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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-third session

Summary record of the 2141st meeting
Held at the Palais Wilson, Geneva, on Monday, 19 September 2016, at 10 a.m.

Chair: Ms. Muhamad Shariff (Vice-Chair)

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Second periodic report of South Africa

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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In the absence of Mr. Mezmur, Ms. Muhamad Shariff took the Chair.

The meeting was called to order at 10.10 a.m.

Consideration of reports of States parties (*continued*)

Second periodic report of South Africa (CRC/C/ZAF/2; CRC/C/ZAF/Q/2)

1. *At the invitation of the Chair, the delegation of South Africa took places at the Committee table.*

2. **Ms. Bogopane-Zulu** (South Africa) said that the South African Government had been working to reverse the effects of decades of systemic racism, which had caused widespread poverty and a rise in single-parent families and had particularly affected children with disabilities. A comprehensive social protection system had been established to respond to the needs of the most vulnerable, supported by a social security system that provided a range of services for children.

3. Twenty per cent of the national budget had been allocated to education, and interventions included subsidized early childhood education, free primary education and school meals schemes. The country's inclusive education policy had resulted in a significant increase in the number of children with disabilities placed in mainstream schools.

4. Children were being negatively affected by rapid urbanization, changes to family structures, HIV and AIDS and high levels of gender-based violence. Violence against children, in particular violence against children with disabilities, was common, and was being addressed by various mechanisms, including a telephone line for children, the prohibition of corporal punishment in schools and programmes that addressed teenage pregnancies.

5. As a destination country for migrants, South Africa had implemented inter-agency policies and programmes to assist unaccompanied migrant children. The trafficking of children was combated by legislation, including the amendments to the Children's Act that were currently under consideration by Parliament and that would enhance protection for children during the adoption process.

6. **Ms. Oviedo Fierro** (Coordinator, Country Task Force) said that the Committee was concerned by the lack of political leadership in the implementation of the Convention, particularly the subsuming of the rights of the child into the mandate of the Department of Social Development, the absence of an inter-agency coordination strategy and insufficient funding. She asked what technical, economic and political measures had been adopted to promote activities relating to the Convention. She requested clarification of the function and resources of the National Children's Rights Intersectoral Coordination Committee, including whether it could influence other sectors, whether its decisions were taken into account by other Government agencies and whether it coordinated the National Plan of Action for Children.

7. She asked what results had been achieved by the Plan of Action and whether its progress was reported periodically. Noting that the Plan was coming to an end, she asked whether a new one was being devised, whether it would be developed in coordination with the National Development Plan: Vision 2030, whether children were prominent in that Plan and whether the new National Plan of Action for Children would enable the full and effective participation of children, particularly for the most vulnerable. She wished to know what accountability mechanisms existed for the Plan and other public policies.

8. She asked how the State party's failure to gather data was being addressed, whether the indicators that had been defined with the assistance of the United Nations Children's Fund (UNICEF) were being implemented and, if so, who was responsible for that

implementation. There were concerns that many local authorities depended on civil society organizations to provide services without providing the necessary financial resources or involving them in discussions on public policy. She asked whether efforts to disseminate the Convention were systemic and targeted all groups of children, and whether public sector workers received training on the Convention.

9. The country's robust legislative provisions that allowed children to participate in decision-making were not effectively applied. She asked how children accessed information that allowed them to participate, why adolescents were not involved in discussions of all legislation, as was the case with the HIV strategy, and public policies, and why the different branches of Government took different approaches to children's participation. She wished to know whether the right to participation was promoted and monitored by a specific institution and whether funding was provided for such activities.

10. Noting that various rights, including the right to freedom of religion and to peaceful assembly, were applicable to children and adults equally under the Constitution, she asked what measures had been adopted to guarantee them, particularly in the light of reports of cases of incitation to hatred towards migrants. Lastly, she asked how children were protected from harmful information and from the dangers of social networking.

11. **Mr. Cardona Llorens** (Country Task Force) asked whether the State party had considered ratifying the Optional Protocol on a communications procedure. He wished to know whether a system was in place to monitor budgetary allocations and spending linked to the rights of the child, whether impact studies were undertaken to ensure that those rights were not negatively affected by budgetary decisions, whether public spending on children was audited, whether the financial requirements of legislation and policies addressing children were assessed to ensure that sufficient public resources were made available, what measures existed to prevent the diversion of funds and whether Government budgets adopted a child-based approach.

12. He asked whether a specialized commissioner for children would be created within the South African Human Rights Commission; whether the Commission enjoyed the necessary human, technical and financial resources to assist children; whether children were aware of the possibility of lodging complaints with the Commission and what awareness-raising campaigns had been carried out to that effect.

13. He wished to know how it was ensured that business activities, particularly mining, did not negatively affect children's rights; had studies on the impact of the chemical by-products of mining been completed? He would welcome information on advertising regulations in relation to children, with particular reference to the Human Rights Commission's studies in that area.

14. He asked how case law relating to the best interests of the child was disseminated to those working with children. Despite strong anti-discrimination provisions, inequality and structural discrimination remained a problem in South Africa, and he asked how those issues, and the structural inequality experienced by children in rural areas and informal urban settlements, were addressed.

15. South Africa had failed to meet the Millennium Development Goal on child mortality, and there was a high rate of child deaths from avoidable causes. He asked what measures existed to evaluate and address the causes of mortality for children of all ages.

16. **Ms. Khazova** (Country Task Force) said that the minimum age for marriage for those under 18 was different for boys and girls and according to the type of marriage. Furthermore, no specific minimum age was set for customary marriages, and they were not recorded. She asked how the various marriage regulations respected the Convention's

definition of the child; whether married minors lost the legal protections afforded to children and whether any changes in that regard were envisaged.

17. **Ms. Parsi** (Country Task Force), noting the very high rates of violence against children in the State party, said that the Committee was concerned by the prevalence of corporal punishment, which remained legal in private schools and homes. She asked what steps were being taken to prohibit all forms of corporal punishment in the home, to address violence against children in schools and to ensure that children's safety was guaranteed there.

18. She asked how the Government intended to ensure that people who were responsible for violence against children were appropriately dealt with by the criminal justice system. In addition, she asked how effective the steps that the Government had taken to protect children from vulnerability and exploitation had been and what the Government planned to do to develop and implement policies to prevent and respond to violence against children, including corporal punishment. She also wondered what plans had been made to promote a culture of respect for children and whether additional funds would be made available for services for child victims of violence.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

19. **Ms. Bogopane-Zulu** (South Africa) said that the steps taken as part of the recent reorganization of the South African State had been intended to highlight the importance of children's issues. The Office on the Rights of the Child, an office of the Presidency, was no longer responsible for implementing programmes related to children's rights. It had been replaced in that role by the Department of Social Development and an intersectoral committee that included representatives of both Government and civil society. The Department of Women, Children and Persons with Disabilities had been dissolved. The transfer of responsibility for children's issues to the Department of Social Development had gone some way towards solving a number of budgeting and coordination problems. An action plan designed to facilitate coordination had been put into place. Consultations, including with children, were currently being held with a view to bringing it into line with the National Development Plan 2030.

20. South African ministers and deputy ministers had entered into so-called performance contracts that involved a number of expected outcomes, 14 of which focused specifically on children's issues. Efforts had been made to enable the publication of more information about the situation of children in South Africa. The *South African Child Gauge*, for instance, was published annually by the Children's Institute of the University of Cape Town.

21. Efforts had also been made to ensure that children with disabilities, including intellectual disabilities, could express their views on matters affecting them. Legal amendments, for instance, had provided for what had been referred to as assisted decision-making. The finishing touches were being put on a programme to institute instruction in South African sign language in the schools. The Children's Parliament, which was used by the Government to elicit the views of children, was an established institution at local and national levels.

22. Data collection had improved considerably, not least as a result of cooperation between the Department of Social Development and Statistics South Africa. Preparations for an upcoming survey on children up to 5 years of age, who had been identified in the 2011 census, were nearly complete. Information on the number of households headed by children or other young people was collected routinely.

23. The Non-profit Organizations Act (No. 71 of 1997) had recently been reviewed, and amendments to the Fundraising Act (No. 107 of 1978) were being finalized. Funding for

NGOs that provided services to children had not been cut; smaller allocations had instead been made to a larger number of organizations.

24. Awareness-raising campaigns had been launched to combat *ukuthwala* and other harmful traditional practices. The Traditional Affairs Bill, a draft of which was near completion, would address such practices comprehensively. Moreover, the Department of Health had worked directly with the Nguni people to lessen the impact of ritual circumcision on children. New legislation in the Eastern Cape, a province where ritual circumcision was widespread, had introduced a number of health-related measures in connection with the practice. In the past, women, not even single mothers, had had a say in matters relating to the circumcision of their children. That had changed. A number of initiation schools had been closed by the authorities, and in many cases their operators had been charged and convicted. Male circumcision was now the responsibility of trained medical personnel who were brought to initiation schools by traditional community leaders.

25. **Ms. Oviedo Fierro** said that she wished to know exactly which body was responsible for coordinating efforts to implement the Convention in the State party. She would also welcome specific information about the 14 outcomes related to children's issues. In addition, she asked whether all interested parties had access to the data collected by the State and its agencies and what the authorities did to help children who were accused of or victims of witchcraft.

26. **Ms. Sandberg** asked whether children born with intersex conditions were put through sex-assignment surgery before they were old enough to consent to the procedure. She also asked what the State party did to protect children with albinism.

27. **Ms. Khazova** asked why boys were circumcised in schools rather in clinics.

28. **Ms. Aho Assouma** asked what steps had been taken to combat the traditional administration of virginity tests.

29. **Ms. Bogopane-Zulu** (South Africa) said that ritual circumcision did not take place in ordinary schools or even in all parts of the country. It was a practice specific to particular groups. Unlike circumcision for medical reasons, which took place in health-care facilities, ritual circumcision was part of a longstanding rite of passage from boyhood to manhood. In an attempt to mitigate the impact of that rite, the authorities had sought the cooperation of traditional community leaders.

30. Responsibility for children's issues, including for coordinating efforts to implement the Convention, lay with the Department of Social Development, with the support of an intersectoral committee and task forces referred to as clusters. Virginity testing had not been criminalized, but efforts had been made to ensure that girls under 16 were not pressured into submitting to it. To some degree, however, the practice made it possible to identify girls who had been sexually abused.

31. The Department of Social Development was running an outreach campaign on the rights and inherent dignity of people with albinism, who had been subjected to considerable amounts of violence. A number of cases of such violence had resulted in the filing of criminal charges. The Government had organized events so that the parents of children with albinism and the children themselves could bring up issues of concern to them. Special schools afforded additional protection to such children.

32. The South African Human Rights Commission had launched campaigns to combat hate speech, and a number of people had been brought before the country's equality courts to answer charges related to hate speech, discrimination or harassment. In connection with the age of marriage, the Children's Act and the Constitution took precedence over the Marriage Act. Although it might seem as if the situation for children in South Africa was

worsening, the fact was that as South Africans grew to realize what constituted violence against children, they were more willing to report it.

33. **Ms. Khazova** said that it was her understanding that the age of sexual consent had been lowered from 16 to 12 years in the State party, to bring it into line with the minimum age of marriage. The delegation's views on the appropriateness of the new age of sexual consent and its correlation with the age of puberty would be welcome. She asked whether persons marrying girls under the age of 12 years were prosecuted and whether there were any plans to increase both the age of marriage and that of sexual consent.

34. **Ms. Bogopane-Zulu** (South Africa) said that steps had been taken to ensure that children aged 12 years or older were not criminalized for engaging in consensual sexual activities with other children of a similar age. An issue paper containing a proposal on raising the age of marriage to 18 years had been prepared.

35. **Mr. Dangor** (South Africa) said that the national authorities recognized that intersexuality was a sexual characteristic, rather than a medical condition, and they were working with medical establishments to prevent harmful surgery from being performed on newborns and infants in that regard.

36. **Ms. Kambula** (South Africa) said that, in the light of recent amendments to domestic legislation, consensual sexual activity between children aged between 12 and 16 years was legal, provided that the age difference between them was not greater than two years. It was a criminal offence for persons over the age of 16 years to engage in penetrative sex with a child under the age of 16 years.

37. **Ms. Sipmala** (South Africa) said that, in the past two years, over 400 sentences of life imprisonment had been handed down in cases of sex offences against children. The conviction rate for offences of sexual violence had risen from 48 per cent in 2000 to over 71 per cent in 2016. Over the past three years, specialized centres had dealt with more than 30,000 cases of sexual violence annually; 60 per cent of which had involved children. A victim-oriented approach was adopted in such cases, ensuring that child victims were appropriately dealt with when reporting offences. As to the question of *ukuthwala*, it was a traditional custom protected by the Constitution. However, abuses of that custom were prosecuted, with individuals having been sentenced to lengthy terms of imprisonment for offences of kidnapping, rape and under-age marriage.

38. **Ms. Bogopane-Zulu** (South Africa) said that, although South Africa did not have an allocated child budget system, a children's budget had been put in place, which was carefully monitored to identify trends relating to government expenditure. Spending on children had significantly increased over the past few years across the various government departments. In total, 11 million children currently benefited from cash transfers, free basic education and school uniforms, early childhood development projects and assistance for families in need.

39. A grassroots campaign to end child marriage had been launched. A number of mechanisms had been set up to tackle offences of corruption affecting children, including through the protection of whistle-blowers and the centralization of procurement activities. The conviction rate for such offences remained high.

40. **Mr. Cardona Llorens** asked whether any studies had been carried out into the impact of budget cuts on children, such as planned reductions in staffing levels within the Department of Social Development. He asked what the consequences of those reductions would be on children's rights and what corresponding measures had been taken. Did the national authorities carry out studies into the budgetary requirements of children's policies prior to adopting new laws in that regard?

41. **Ms. Bogopane-Zulu** (South Africa) said that children's services would not be directly affected by the current round of budget cuts. Efforts were being made to ensure that there were sufficient social workers available to intervene in juvenile justice cases or to provide minors with urgent assistance. No critical posts relating to vulnerable groups would be affected by the planned reductions in staff expenditure relating to the Department of Social Development. Prior to adoption, all legislative proposals were assessed with regard to their constitutionality and the financial and institutional requirements for their implementation.

42. Customary marriages were registered with the Department of Home Affairs, in accordance with domestic legislation. A number of marriage-registration campaigns had been run and the authorities were working with community leaders to ensure that children were not forced to wed.

43. Corporal punishment in schools had been abolished and teachers breaking the law in that regard were prosecuted. There were plans to introduce a third amendment to the Children's Act outlawing corporal punishment in the home. However, prior to taking that step, the Government intended to launch a number of positive-parenting programmes to change attitudes in that regard. Efforts were being made to register teachers.

44. **Ms. Sandberg** asked when the third amendment to the Children's Act would be introduced. Past experience in other States parties showed that it was better to introduce legislation abolishing corporal punishment in the home prior to launching positive-parenting programmes.

45. **Ms. Nxumalo** (South Africa) said that the child-protection system and policy was being finalized. A discussion document on corporal punishment in the home had been prepared as a basis for the third amendment to the Children's Act, which was due to be put forward for consideration during the coming financial year.

46. **Ms. Bogopane-Zulu** (South Africa) said that measures would be taken to raise awareness of the issue of bullying among children and parents. A new early childhood development curriculum would also cover bullying, alongside respect for diversity.

47. The Department of Social Development had set up a programme, under which children victims of violence were provided with assistance relating to court cases and psychosocial support, family reunification and custody services. Care workers were assigned to vulnerable children in order to protect their interests, assist in the process of deinstitutionalization and enable them to remain in their communities of origin.

48. A white paper had been adopted on the rights of persons with disabilities, as a part of efforts to implement the provisions of the Convention on the Rights of Persons with Disabilities (CRPD). In the light of the publication of an official report on the potentially harmful impact of social media content on children, the National Assembly was currently considering amendments designed to strengthen the Film and Publications Act.

49. **Mr. Kgarabjang** (South Africa) said that the Films and Publications Act prohibited the use of children in the production of pornographic materials and the online dissemination of those materials. In 2015, a bill had been submitted to Parliament for consideration on the protection of children against harmful online content through the setting up of a system of pre-classification of materials, the alignment of domestic norms with international standards, the regulation of the online distribution of digital films and games, the strengthening of the power of the Films and Publication Board to monitor compliance with the Act and the introduction of regulations under which Internet service providers had an obligation to tackle online racism and hate speech. The South African Law Reform Commission was currently looking into issues relating to child pornography.

50. **Ms. Bogopane-Zulu** (South Africa) said that the Children's Parliament and Child Protection Week had been granted official status; a number of children's camps had been set up and the National Assembly carried out prior consultations with children relating to all matters that affected them. A national children's day had been created. The Department of Performance, Monitoring and Evaluation and its civil society partners had developed an indicator relating to the State's obligation to facilitate children's participation. Measures were being taken to ensure access to the Internet and computer equipment in all South African schools and to specialized information and communications technologies in special schools.

51. **Ms. Nxumalo** (South Africa) said that the National Child Care and Protection Forum was a coordination mechanism made up of representatives of government departments and civil society bodies working in the childcare sector. Subcommittees set up within the Forum met regularly to examine legislative and policy issues and to exchange ideas and best practices. An interdepartmental committee had been created to monitor compliance with the Convention and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and to report back to the Forum in that regard.

52. Efforts were being made to monitor the implementation of the provisions of the Convention and the Optional Protocol. The Department of Performance, Monitoring and Evaluation assessed programmes for children. A study into violence against women and children had recently been carried out with the support of the United Nations Children's Fund (UNICEF). An additional study had been completed on early childhood development, which had informed policy in that regard. As a part of Project Mikondzo, which enjoyed the support of Save the Children International, dialogues had been initiated with children. Efforts were being made to strengthen a model for proactive partnerships with civil society actors.

53. **Ms. Bogopane-Zulu** (South Africa) said that the Department of Basic Education had introduced the subject of children's rights into school curricula. A child-friendly version of the Convention had been disseminated in 11 different languages and a Braille version of the text was also available. The national authorities were attempting through platforms such as Project Mikondzo to engage with children in impoverished informal rural settlements and to ensure that they understood their rights and were able to report any violations in that regard. A forum had been set up to provide information on children's rights to senior citizens caring for children of parents affected by HIV/AIDS and a programme had been launched by Age-in-Action. A number of private-sector companies provided funding for projects designed to improve children's quality of life. Standards had been developed relating to advertising that targeted children and to the treatment and working hours of children employed in the advertising industry.

54. **Ms. Aho Assouma** said that she would like to know what the process for the late registration of a child's birth entailed and whether there was a cost incurred. With regard to those children who acquired South African nationality after the age of 18, she asked how they were able to travel outside the State party before they reached 18 years of age. She also wished to know how birth registration was carried out for all children born in prison, indigenous children and child refugees.

55. **Ms. Bogopane-Zulu** (South Africa) said that birth registration was free of charge in South Africa. There had been previous instances in which a child's birth had been registered after the 30-day time frame allowed to new parents. Mechanisms enabling late birth registration would be implemented from the beginning of 2017. Birth registration offices had been attached to every maternity ward in the country to ensure that all children were registered before they left hospital.

56. Children born in South Africa to parents not of South African nationality could be registered but were not necessarily granted South African nationality. The Ministry of Home Affairs had recently decreed that birth certificates must provide the details of both parents. In order to address the issue of child trafficking, a child required the consent of both parents when leaving South Africa. A child born in South Africa had the right to choose his or her nationality upon reaching the age of 18 and could qualify at that age for South African citizenship through naturalization.

57. When a child was granted refugee status, he or she was entitled by law to the same rights and benefits as South African children. The same applied for South African children born in a national prison and the Department of Correctional Services was responsible for overseeing the registration of such children. South African authorities were informed when South African children were born in a prison abroad and efforts were made to repatriate them. South Africa was engaged in information-sharing initiatives with other member States of the African Union to address the issue of unaccompanied minors and children travelling without documentation.

58. **Ms. Khazova** said that she was concerned by the foster care crisis in South Africa. There had been a significant increase in foster care placements, resulting in backlogs and lapses in foster care orders. This in turn had led to children in foster care not receiving the payments to which they were entitled under the Foster Care Grant system. She asked what steps the Government was taking to address the issue. In addition, given that Foster Care Grants were more than double the amount of Child Support Grants, children in kinship care were often placed in foster care to benefit from the higher grants. She wondered how the delegation viewed the proposal to provide a top-up to the Child Support Grant for orphans in the care of relatives, and whether the procedure for such relatives to receive financial support could be simplified. She asked why there had been an increase in the number of children being placed in residential care, and what measures had been put into place to improve the quality of care in residential care institutions, to increase the funding of child and youth care centres, to improve the monitoring of such centres, and to ensure that they were all registered institutions.

59. With regard to adoption, she would be interested to learn whether the bill currently tabled before Parliament contained provisions for shortening the lengthy adoption procedure in South Africa. She was also concerned by reports that the bill would aim to prohibit intercultural adoption and that there had already been cases of African children being removed from white adoptive families. She asked whether such reports were true and whether the State party intended to ratify the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

60. She raised questions on the quality of education in South Africa. Budget funds allocated to education were unevenly distributed, which resulted in some schools having a very poor infrastructure. Common problems included a shortage of textbooks; lack of water supply, toilet facilities and electricity; an insufficient number of teachers and poor quality teaching; a high dropout rate; teenage pregnancy and sexual violence in schools. She asked what steps were being taken to tackle such issues. With regard to indigenous children, she wished to know whether measures had been taken to ensure that they were taught in their native languages and what land rights they enjoyed from a legal point of view.

61. **Ms. Parsi** said that she was concerned that the majority of prisons in South Africa sought to keep mothers who had been incarcerated together with their children, and that the Judicial Inspectorate had reported on the difficulties experienced by mothers in prison when attempting to register the birth of their child. There were also reports that it was difficult for mothers in prison to contact their families. She asked what the Government had done to address such issues.

62. **Mr. Cardona Llorens** said that children with disabilities were still subjected to discrimination in South Africa. He wanted to know whether the Government would take steps to collect disaggregated data on children with disabilities, whether the Government intended to draft comprehensive policies to protect the rights of such children, and what steps were being taken to increase the school attendance rate of such children. Moreover, he noted that there were a number of obstacles to ensuring inclusive education, such as the lack of specialized teachers, funding and awareness of inclusive education as a right for persons with disabilities. In addition, schools discriminated against children with disabilities by limiting the number of subjects that they were taught. He asked what measures were being taken by the Government to improve the situation.

63. Furthermore, he would appreciate a comment from the delegation on the following: what measures, both rehabilitative and other, were in place to protect child victims of armed conflict who had entered South Africa from such countries as Somalia and the Democratic Republic of Congo; what policies and support measures were in place to prevent children from being recruited into drug trafficking and other forms of child labour; how children had been involved in the drafting of the new strategy on street children, and how the Government ensured respect for the best interests of the child during family reunification or the placement of a child in care.

64. With regard to juvenile justice, he asked whether the Government was planning to revise the age of criminal responsibility, whether juvenile detention facilities suffered from overcrowding, whether it was true that children in care were on occasion placed in the same centres as those in conflict with the law, whether children in detention still enjoyed access to education and health care, whether the Government employed alternative measures to deprivation of liberty, and whether the Government could explain the alarmingly low conviction rate for those who had committed crimes against children and how it was seeking to improve child victim support.

65. **Ms. Oviedo Fierro** said that she wished to know what regulations and public policies had been adopted to encourage breastfeeding, how the Government regulated advertisements for breastmilk substitutes, and whether breastfeeding mothers at work were given time during the day to express milk.

66. She noted that workers responsible for supporting refugee children and child asylum seekers did not necessarily have adequate training. There had been cases of such children suffering sexual abuse at the hands of authorities entrusted with supporting them and she wanted to know how the perpetrators had been punished and what measures had been taken to prevent such abuse from recurring. She asked whether unaccompanied minors were able to apply for asylum in order to receive identity papers, whether the Government intended to legislate to allow the permanent settlement of child refugees and asylum seekers, whether steps had been taken to collect disaggregated data on child asylum seekers, migrants and refugees, and whether studies had been conducted on child victims of human trafficking.

67. **Ms. Parsi** said that she would like to know what the Government was doing to address the mismanagement of health resources and to ensure access to essential services for children, particularly those in remote areas; how the Government intended to remove barriers to accessing the Child Support Grant for vulnerable categories of children, such as undocumented children, teenage mothers and children suffering from AIDS; how, given the high rate of teenage pregnancy and illegal abortion clinics in South Africa, the Government intended to enhance the awareness of safe sex among young persons, the distribution of condoms and other forms of contraception, and access to services for the safe termination of pregnancy; when the Government would implement a national plan on drug control in order to tackle the issue of substance abuse among young people; whether the Government had data concerning the involvement of children in drug trafficking and data on the prevalence of mental illness among children; what support was offered to such children;

what supplementary measures were available to prevent mother-to-child transmission of AIDS and to improve early diagnosis; whether the Government had implemented a national food strategy to address the issue of malnutrition; how the Government monitored food quality and what measures were in place to reduce the imbalance between the quality of life in cities and rural areas.

The meeting rose at 1.05 p.m.

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Committee on the Rights of the Child
Seventy-third session

Summary record of the 2142nd meeting
Held at the Palais Wilson, Geneva, on Monday, 19 September 2016, at 3 p.m.

Chair: Ms. Muhamad Shariff (Vice-Chair)

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Consideration of reports of States parties (*continued*)

Second periodic report of South Africa (continued)

Initial report of South Africa on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Second periodic report of South Africa (continued) (CRC/C/ZAF/2, CRC/C/ZAF/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of South Africa took places at the Committee table.*

2. **Ms. Bogopane-Zulu** (South Africa) said that her Government did consult adolescents on programmes designed for them and that it also funded a number of NGOs that conducted programmes for adolescents. Some of the programmes that received funding were actually designed and carried out by the young people themselves.

3. The amount of funding allocated to different schools was determined by the students' socioeconomic status, with a significant portion of the budget being spent on poor schools. Certain schools had been declared "no-fee schools", and her Government also provided free uniforms and free meals to poor students. She noted the Committee's concern about dropouts and said that her delegation would provide statistical data on that subject in writing. Community colleges and technical and vocational colleges had been established for young people who wished to learn practical skills rather than pursuing an academic education.

4. The budget for teacher training had increased, and many teachers who had been educated through the Bantu education system had been retrained. Children underwent a health assessment prior to circumcision to ensure that they were fit for the procedure. NGOs conducted rehabilitation and support programmes for children who had been circumcised.

5. **Mr. Cardona Llorens** (Country Task Force) reminded the delegation that a number of the questions he had asked at the previous meeting had yet to be answered.

6. **Ms. Oviedo Fierro** (Coordinator, Country Task Force) asked about the situation of child victims of witchcraft and about forced evictions.

7. **Ms. Kambula** (South Africa) said that the minimum age of criminal responsibility was currently 10 years. The piece of legislation containing that provision had recently been reviewed, and following that review it had been proposed that the minimum age should be increased to 12 years. The proposal had been approved by Cabinet and was currently before Parliament. A public consultation on the subject was under way, and the possibility of increasing the minimum age to 15 years, in accordance with African Union standards, was also being considered.

8. **Ms. Bogopane-Zulu** (South Africa) said that the commissioners of the South African Human Rights Commission were appointed to a five-year term and were assigned specific responsibilities, such as responsibility for issues concerning disability and children's rights. Their performance was monitored and evaluated.

9. **Ms. Sandberg** asked whether the Government had considered establishing children's issues as a standing mandate for the Human Rights Commission. Given the large number of children in the State party, perhaps children's issues could even be the sole responsibility assigned to one of the commissioners.

10. **Mr. Cardona Llorens** asked whether resources were specifically earmarked for work on children's issues within the Commission.

11. **Ms. Bogopane-Zulu** (South Africa) said that the mandate for children's issues was assigned to a specific commissioner each time new members of the Commission were

appointed. The budget allocations for disability issues and children's issues were higher than for other areas of focus, and the commissioners assigned to those mandates received additional support. In addition to the Human Rights Commission, all other Chapter nine institutions also included a section devoted to children's issues. For example, one of the focus areas for the Commission for Gender Equality was the situation of girls.

12. **Ms. Ayoubi Idrissi** asked how coordination among those different Chapter nine institutions was organized and what impact they had on national policies concerning the rights of the child.

13. **Ms. Bogopane-Zulu** (South Africa) said that the Chapter nine institutions were constitutional bodies and that they reported directly to Parliament. The Portfolio Committee on Social Development met quarterly with the relevant mechanisms within the Chapter nine institutions to consider the situation of specific groups, including children. The Department of Social Development appeared before Parliament to answer questions about the situation of children. Discussions were currently under way about the possibility of establishing an ombudsman for children, which would consolidate the work of the various independent institutions in that area.

14. The President had appointed a commission to address the problem of witchcraft violence, particularly against children and older persons. Her Government was implementing the recommendations made by that commission and had created a technical team to establish minimum penalties for the use of children's body parts in witchcraft. Such acts constituted a criminal offence, and a number of related prosecutions had been carried out.

15. Her Government had adopted a policy on environmental health and safety that took into account the health challenges faced by children as a result of their environment. Many mining towns had introduced rehabilitation programmes that would have a positive impact on the health of children. A task team was currently investigating illegal mining and the employment of children in mines.

16. **Mr. Cardona Llorens** said that he would welcome further information on specific measures taken to address the environmental impact of toxic and chemical waste and on the budget allocated for that purpose. More information on the policies in place to combat discrimination and to address inequities between urban and rural areas and between city centres and outlying shanty towns would also be welcome. The delegation should also comment on the high number of deaths from preventable diseases and on the State party's failure to meet some of the Millennium Development Goals.

17. **Ms. Bogopane-Zulu** (South Africa) said that her delegation would provide further information in writing on the budget allocated to deal with environmental problems within the mining sector. A programme was under way to deal with acid mine drainage and would improve access to safe water for the population. The Department of Health had launched two programmes that would help reduce the number of preventable deaths. The first was a revamped primary health-care system that focused on preventive rather than curative health care, and the second was Operation Phakisa, which provided for the establishment of child-friendly ideal clinics.

18. One reason why the maternal mortality target under the Millennium Development Goals had not been reached was because teenage girls were more likely to die giving birth, since their bodies were not yet fully developed. Her Government was therefore working to reduce the high rate of teenage pregnancy, and her delegation would provide relevant statistical data in writing. It would be useful if the Committee could share information about data collection methods and tools, so that South Africa could improve its performance in that area.

19. With regard to the lapses in foster care orders, the courts had granted extensions so as to ensure that no children would be denied access to the foster care grant. The Department of Social Development had established a ministerial committee on foster care, and Parliament had just recently passed an amendment to the Children's Act of 2005 that would greatly simplify foster-care placement.

20. **Ms. Nxumalo** (South Africa) said that her Government acknowledged the need to review the current foster care system. It was expected that the proposed introduction of an extended child support grant would alleviate the backlogs in the system. The aforementioned ministerial committee on foster care would analyse the systemic challenges, and the system would be amended on the basis of that analysis.

21. Evidence-based parenting programmes were in place to empower parents and other caregivers and help them deal with the challenges they faced. There was also a special support programme for teenage mothers, to help them raise their children while also attending school and living out their own childhood.

22. **Ms. Khazova** (Country Task Force) asked whether the amount of the extended child support grant would be equal to the amount of the foster care grant and whether it would solve the problem of removing kinship care from the foster care system.

23. **Ms. Nxumalo** (South Africa) said that the amount of the grant was still being finalized.

24. **Mr. Dangor** (South Africa) said that the amount of the extended child support grant would be significantly higher than the current child support grant but might not be as high as the foster care grant, given the available fiscal envelope.

25. **Ms. Aho Assouma** asked what happened to children orphaned by AIDS.

26. **Ms. Sandberg** asked whether South Africa had a sufficient number of well-trained social workers to assist foster families and prevent violence against children.

27. **Ms. Bogopane-Zulu** (South Africa) said that, in order to avoid labelling and stigmatization, the State did not differentiate between orphans with respect to how they had lost their parents. Programmes for orphans focused on enabling them to remain in their communities and, if possible, in their own homes. There had not been an increase in the construction or registration of orphanages, and her Government was moving towards deinstitutionalization.

28. Persons employed in the child protection system were required to meet certain minimum qualifications, including persons in charge of orphanages or childcare centres. Some orphanages were allowed to operate under conditional registration because the Government wanted to be able to monitor them and see if the conditions in the orphanages improved.

29. **Ms. Nxumalo** (South Africa) said that standards had been set for child and youth care centres, but it was necessary to strengthen the monitoring system to ensure compliance. The safety of children was the priority and could not be compromised. If a particular child and youth care centre was found to present a danger to children, it would be closed down.

30. South Africa had a shortage of social workers. It was estimated that the country required a total of 55,000 social work professionals. By the end of the current financial year, the Government would have conducted an analysis to determine which categories of social work professionals were required and in what numbers. Over 19,000 social workers were currently registered, but they were not all practising. However, child and youth care workers and social auxiliary workers could perform some social work functions, which would relieve the burden on social workers. There was a scholarship programme to train

social workers at university. The challenge was simultaneously to train a sufficient number of social workers and to ensure that those already trained were deployed effectively.

31. **Ms. Ayoubi Idrissi** said that she wished to know what measures had been taken to ensure that foster care placements complied with child protection standards, particularly given the shortage of social workers.

32. **Ms. Nxumalo** (South Africa) said that social auxiliary workers supervised foster placements. The ratio of social workers to social auxiliary workers was approximately one to four. In much the same way, probation officers were supported by teams of assistant probation officers. Child and youth care workers visited children in their homes. In some cases, judges required an official social work report to demonstrate compliance with the conditions of a court order.

33. **Ms. Bogopane-Zulu** (South Africa) said that a ministerial committee had been set up to review the White Paper for Social Welfare. It had completed its work and presented a report to Cabinet. The new white paper would enable South Africa to provide adequate welfare support to all citizens, including children, and would mobilize the necessary human and financial resources.

34. **Ms. Aho Assouma** said that she wished to know whether child orphans living with HIV were placed in foster care. Did foster families accept such children?

35. **Ms. Bogopane-Zulu** (South Africa) said that children living with HIV received the necessary medical treatment. Like adults, children were not required to disclose their HIV status, but it was sometimes necessary for it to be disclosed, for example, if so ordered by a court. The issue of disclosure remained a challenge from a human rights perspective. The Department of Social Development and the Department of Health organized family support programmes and interactive programmes. With the assistance of many NGOs, programmes had been organized to enable children living with HIV to understand their condition.

36. Following parliamentary intervention and amendments to the Children's Act, social workers were now able to take on adoption cases, which would make it possible to clear the backlog of such cases. The Government had not banned intercultural adoption and did not remove children from the custody of foster parents who were of a different culture. It was nevertheless important for a child to experience his or her culture, and adoptive parents were expected to facilitate such experiences.

37. **Ms. Aho Assouma** asked whether it would not be difficult for a child living with HIV to continue receiving medical treatment in foster care if the family had not been made aware of his or her HIV status.

38. **Ms. Bogopane-Zulu** (South Africa) said that, if a child in foster care needed ongoing medical treatment, the foster family would be informed of his or her needs. The family would therefore be made aware of the HIV status of a child placed in their care. In general, however, owing to the threat of stigma and bullying, a child's HIV status was treated as confidential information.

39. **Ms. Nxumalo** (South Africa) said that the screening procedure had been a frequent cause of delays in the adoption process. Pursuant to the Children's Act, prospective adoptive parents were screened to confirm that they were not listed on the National Child Protection Register. Courts would not hear cases involving prospective adoptive parents who had not been screened. Additional resources had been allocated to the screening unit, and the backlog of cases had since been cleared. Government social workers could now provide adoption services free of charge. The entire adoption system would soon be reviewed.

40. **Ms. Khazova** said that she would be grateful for clarification regarding the role of the courts in the adoption process. Was it correct that the courts were not involved? If so, was that a temporary measure?

41. **Ms. Nxumalo** (South Africa) said that adoption placements could not be finalized without the intervention of the courts. The screening procedure had been the cause of the delays.

42. **Ms. Bogopane-Zulu** (South Africa) said that, previously, it had been necessary to pay for adoption services, since they had not been provided by government social workers. However, it was now possible for social workers to provide such services free of charge. With regard to child maintenance, it should be noted that, since the adoption of the Maintenance Amendment Act of 2015, a good deal of progress had been made. Maintenance officers had been appointed to ensure that maintenance obligations were honoured. Although some problems had been encountered in locating the whereabouts of parents, efforts were being made to address them.

43. **Ms. Kambula** (South Africa) said that measures had been taken to improve the maintenance system. In 2011, a maintenance turnaround strategy had been implemented. Maintenance payments were now made directly by electronic funds transfer, which had removed the need for beneficiaries to make unnecessary journeys. Maintenance officers had been trained to mediate in disputes, and the mediation process often resulted in a maintenance order.

44. Owing to an increase in the number of defaults on maintenance payments, a maintenance enforcement strategy had been introduced to strengthen the civil remedies available to beneficiaries seeking to recover late payments. Existing legislation made it possible to prosecute defaulters, but other solutions were preferable. Pursuant to the Maintenance Amendment Act, an electronic communications service provider could be issued with a direction to locate the whereabouts of a maintenance defaulter, and defaulters could be barred from obtaining credit. The Act also provided for interim maintenance orders.

45. **Ms. Majokweni** (South Africa) said that the provision of maintenance services had become more specialized. The Director of Public Prosecution was now able to appoint specialist maintenance prosecutors. Over the previous year, nearly 31,000 maintenance cases had been dealt with. The Government had been successful in ensuring that children continued to receive maintenance payments even if their parents had stopped working. Investigations of the financial status of those from whom maintenance had been claimed could also be conducted. Considerable progress had been made in ensuring that maintenance obligations were honoured without the threat of imprisonment.

46. **Ms. Bogopane-Zulu** (South Africa) said that the possibility of ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance was currently under consideration. A committee had been set up to audit the country's international obligations, which would make it possible for a decision to be made with regard to the ratification of that and other international instruments in the context of the country's wider human rights obligations.

47. **Ms. Mxakato-Diseko** (South Africa) said that, with regard to the proportion of the budget allocated to environmental impact, waste management and so forth, it should be remembered that such activities were for the common good. An improvement in air quality was of benefit to everyone. At the national level, the sum allocated to the sector had increased year on year. Further allocations would be made at the provincial level, and additional funding was available for inspections. Furthermore, South Africa was a party to various international instruments in that sphere.

48. It must be remembered that, before 1994, a child's quality of life in South Africa had depended on his or her race and gender. There had been specific budgets for children of particular races. The legacy of that system remained, which made the current challenges even greater. However, the democratic Government was committed to ensuring that children were treated equally.

49. **Ms. Bogopane-Zulu** (South Africa) said that the provision of education for children with physical disabilities was very good. Some problems remained in terms of the accessibility of school infrastructure, but a dedicated programme had been organized to make improvements and ensure that the principles of universal design were incorporated into new building projects. Previously, teachers of children with disabilities had been required to obtain a specialized diploma. However, to improve access to education, that requirement had been relaxed, which had allowed more black teachers to work in specialized schools for children with disabilities. They were given a minimum of five years in which to acquire the necessary specialized knowledge and receive government-sponsored bursaries.

50. Previously, access to education for children with sensory disabilities, including deaf and deaf-blind children, had represented a challenge. Nevertheless, even children without disabilities could now opt to learn sign language at school. A sign language curriculum had been finalized and specialized training programmes for teachers of blind persons were being developed. Children with disabilities did not follow a specialized curriculum. They sat the same matriculation exams as students without disabilities, although some minor modifications were made. For the first time, children with visual impairments were now able to write their exams in Braille.

51. There were some 450 special schools for children with intellectual disabilities, which were divided into two categories. In one category of school, children followed a modified version of the mainstream curriculum or an individual programme of study. In the other category of school, there was a greater focus on providing children with skills development training, as opposed to an academic education.

52. Centres for children with severe or multiple disabilities were regulated by the Department of Social Development. Under the South African Schools Act, a child could only be placed in one of those centres if the head of the Department of Education exempted them from participating in mainstream education and provided compelling reasons for doing so. A strict assessment procedure ensured that no child who was able to attend a mainstream school was placed in one of those centres.

53. The Department of Social Development also funded a programme to empower and support parents of children with disabilities. Through that programme, parents of children with disabilities were encouraged to allow their children to attend a school that was appropriate to their needs. The publication of the White Paper on the Rights of Persons with Disabilities in March 2016 had paved the way for the adoption of a series of targeted measures aimed at improving the situation of children with disabilities in South Africa. The Department of Social Development submitted to Cabinet an annual report detailing the impact of the programmes and interventions that it had carried out to that end.

54. In an effort to remedy the lack of disaggregated data on children, the Statistician-General had launched a household survey, which, once completed, would provide the Government with a clearer picture of how many children with disabilities were living in South Africa.

55. **Ms. Aho Assouma** said that it would be helpful to receive additional information on the disability prevention programmes in place in South Africa. She asked whether orthopaedic equipment was readily available to children with physical impairments; whether the cost of such equipment was subsidized by the State; whether children obliged

to use such equipment received the necessary support; and whether community-based care programmes for persons with disabilities catered to the specific needs of children with disabilities.

56. **Mr. Cardona Llorens** said that the statistical data provided on the proportion of children with disabilities currently in inclusive education appeared unreliable and prevented the Committee from discerning a clear trend in that regard. The delegation should explain how the State party intended to overcome the challenges associated with providing high-quality, inclusive education for all children and adequate training to teachers who worked in an inclusive education environment. He asked what steps the State party was taking to integrate children with intellectual disabilities who still attended special schools into the mainstream education system.

The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

57. **Ms. Bogopane-Zulu** (South Africa) said that the delegation would submit a written response to the questions posed on statistical data within 48 hours.

58. The Government had carried out two programmes intended to prevent disabilities resulting from road accidents: the first by educating motorists about responsible driving; and the second by raising public awareness of the requirement for all children under 3 years of age to be placed in a child seat. A programme to educate women and adolescent girls about the dangers of consuming alcohol during pregnancy had also been carried out with the aim of reducing the number of children born with foetal alcohol syndrome.

59. The Government had given priority to guaranteeing access to education and was now working on improving the quality of that education. Bursaries were available to teachers wishing to undertake training on working with children with disabilities and special needs. A baseline report on inclusive education had been prepared shortly after the publication of the Education White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System. More information on the baseline report could be found in the initial report submitted by South Africa under the Convention on the Rights of Persons with Disabilities (CRPD/C/ZAF/1). Overall, there were more children with disabilities attending mainstream schools than special schools. It was hoped that building more full-service schools would help to reduce the waiting list for children in need of special education.

60. The Department of Health distributed prosthetic devices, glasses, hearing aids, technology-based learning tools and other assistive devices to eligible children free of charge. There were 11 official languages in South Africa, all of which enjoyed equal status. Children could learn in their mother tongue at the primary level but not at the secondary or tertiary level.

61. There were no obstacles to registering the births of children born in prison. In the case of a child born to a foreign mother who was not in possession of an identity document, the child's birth was registered without a South African birth certificate being issued. A number of steps had been taken with a view to improving the situation of children born in prison and to reducing the stigma associated with the circumstances of their birth. Whereas previously children born in prison tended to remain with their mother until the age of 5, they could now be removed from prison and returned to their family or placed in a foster home from the age of 2. It was, however, a requirement for children below that age to be placed in the same cell as their mother.

62. **Ms. Khazova** asked whether the languages spoken by the Khoisan people were among the 11 official languages of South Africa.

63. **Mr. Madi** asked whether, in the interests of preventing statelessness, South African citizenship could be granted to a child born to foreign parents who, for whatever reason, were unable to transmit the citizenship of their country of origin to their child.

64. **Ms. Bogopane-Zulu** (South Africa) said that, although the languages spoken by the Khoisan people, as well as sign language, were not recognized as official languages, the Constitution required the Government to promote and create the conditions for their development and use. The Government attached particular importance to those languages, as they were the often first languages of Khoisan and deaf children.

65. The Immigration Act had been amended to facilitate the registration of foreign children born in South Africa and to provide them with the possibility of acquiring South African citizenship through naturalization upon reaching the age of 18. Once their birth had been registered, foreign children were provided with a document confirming that they had been born in South Africa, which would enable them to claim South African citizenship when the time came. Foreign children born in South Africa usually held the citizenship of their parents until they reached 18 years of age.

66. The Government drew a clear distinction between children who were in contact and children who had come into conflict with the law and housed them separately.

67. **Ms. Sandberg** asked whether South African citizenship could be granted to foreign children whose parents had been unable to transmit the citizenship of their country of origin to them and who would otherwise be stateless until they reached 18 years of age.

68. **Ms. Bogopane-Zulu** (South Africa) said that such cases were dealt with on an individual basis. Various assessments had to be conducted and a number of procedures for determining the identity and country of origin of unaccompanied or undocumented minors had to be exhausted before a child was declared stateless. Children who had been declared stateless were granted South African citizenship and enjoyed the same benefits as other South African children, refugee children and asylum-seeking children who had followed the necessary procedure.

69. **Ms. Majokweni** (South Africa) said that the National Prosecuting Authority of South Africa had devised a number of mechanisms for dealing with children who were in contact with the law, who could be divided into two categories, namely offenders and victims. The Child Justice Act provided for a mechanism for diverting child offenders away from the adult criminal justice system, which, to date, had proven effective.

70. As part of its strategy to assist and rehabilitate child offenders, the Government had opened four centres to provide those children with specialized support. Furthermore, the Government, relying on the constitutional principle establishing the primacy of the best interests of the child, had taken a number of steps to enhance the protection afforded to child victims involved in court proceedings by the Criminal Procedure Act. Child victims involved in court proceedings had no contact with the court itself, as they testified in a separate room by means of a closed circuit television link and communicated with the court through an intermediary, who was trained in the use of child-friendly language. In-camera proceedings could also be used to protect the privacy and identity of a child while they testified. Court preparation officers were appointed by the National Prosecuting Authority to assist children in giving their testimony. Furthermore, victim support officers attached to centres dealing with children who had suffered sexual abuse were trained on how to prevent the revictimization of those children and, in police stations, social workers were on hand to assist children in giving a statement.

71. **Ms. Ayoubi Idrissi** said that it was her understanding that, under the current arrangements, a child who was a victim of violence, including sexual violence, was required to give a statement to the police and to then give his or her testimony to the court,

which amounted to revictimization. She asked whether the State party had considered adopting the practice of recording a child's initial statement and transmitting it to the court to prevent the child from having to relive their traumatic experience for a second time.

72. **Mr. Cardona Llorens** asked whether child victims involved in court proceedings benefited from the same protective measures in all parts of the country and how many child offenders were still being dealt with under the adult criminal justice system.

73. **Mr. Nelson** said that the Committee had received information to the effect that, in South Africa, a large number of children were being held in pretrial detention for excessively long periods of time in violation of article 37 of the Convention, which provided that children should be detained only as a measure of last resort. Moreover, those children were effectively being denied their constitutional right to be presumed innocent until proven guilty. He asked why so many children had been placed in pretrial detention and whether alternatives to pretrial detention had been sought.

74. While he had initially welcomed the opening of specialized children's courts, he had been disappointed to learn that those courts were in fact magistrates' courts that had been given the jurisdiction to try cases involving children in addition to other cases, which, to his mind, was a poor substitute for specialized courts dealing exclusively with cases involving children. He asked whether the State party envisaged opening such specialized courts in the future, as doing so could help reduce the large number of children being held in pretrial detention.

75. **Ms. Majokweni** (South Africa) said that whenever a child offender appeared before a court, that court became a children's court. Each of the aforementioned child offender support centres had a specialized court that dealt exclusively with cases involving children. In fact, those centres were child offenders' point of entry into and exit from the juvenile justice system, which precluded them from being tried by another court. However, child offenders who had committed a serious offence or had helped an adult to commit a serious offence were dealt with under the adult criminal justice system, as adults could not be dealt with under the juvenile justice system. In principle, children who had committed a serious offence were not normally diverted into the juvenile justice system. Services for child victims of sexual violence were available nationwide, and centres had been set up in rural areas that had previously been underserviced.

76. **Ms. Bogopane-Zulu** (South Africa) said that, in addition to magistrates' courts, sexual offences courts dealt with cases relating to children. Moreover, courts were being established in some rural towns in order to facilitate access to justice. Police services had special units that handled complaints filed by and statements taken from children. Furthermore, statements could be recorded so that children would not be required to testify in court.

77. **Ms. Kambula** (South Africa), referring to concerns about the high number of children in pretrial detention, said that 67 per cent of children awaiting trial had been released to the care of their parents in 2015-2016. The Child Justice Act promoted the release of children awaiting trial, but some parents were reluctant to look after their children, particularly when the child had allegedly committed an offence against another family member or was seen as a threat.

78. With regard to sexual violence at schools, she said that the Department of Basic Education was a member of the Intersectoral Committee for the Management of Sexual Offence Matters and had launched a number of initiatives, including the Stop Rape campaign, which sought to raise awareness about children's rights. The Department had also developed a handbook on how to prevent sexual violence in schools, which included safety measures and tips on how children could protect themselves. Moreover, a guide for teachers had been developed, which explained which procedures to follow when a pupil

was raped or when a teacher suspected a case of child abuse. Under the Domestic Violence Act, teachers were able to apply for protection orders on behalf of their pupils.

79. **Ms. Aho Assouma**, after expressing concern about pupils who had been raped by their teachers and how such sexual violence was reported, asked whether counselling was available to victims of sexual violence and whether they were awarded compensation or damages by the courts.

80. **Ms. Kambula** (South Africa) said that schools had police officers who were able to investigate cases of sexual violence and that some schools offered counselling services.

81. **Ms. Majokweni** (South Africa) said that compensation for victims, such as the payment of damages, was very limited and that such compensation might be expanded in the future in the light of the Service Charter for Victims of Crime and the Minimum Standards for Victims of Crime, 2004.

82. **Mr. Dangor** (South Africa), said that a National Drug Master Plan had been established to tackle the problem of drug use and drug trafficking among children. The authorities were trying to reduce the demand for and supply of drugs and were aware that the drug trade led to the proliferation of gangs and violence. Local drug action committees were working with young people to steer them away from violence and to treat children affected by drug use.

Initial report of South Africa on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ZAF/1 and CRC/C/OPSC/ZAF/Q/1)

83. **Mr. Kotrane** (Country Rapporteur) said that the Committee welcomed the submission of the Initial report of South Africa under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ZAF/1), but regretted that it had not yet received any written replies to the list of issues (CRC/C/OPSC/ZAF/Q/1). He asked what initiatives the State party had taken to ensure the consultation of NGOs when preparing its initial report.

84. The Committee noted with satisfaction the State party's ratification of several key international agreements, as well as the adoption of various legislative measures relating to the implementation of the Optional Protocol. However, it was concerned, inter alia, by the lack of reliable data on the situation of the different groups of children and offences covered by the Optional Protocol. He therefore asked what steps the State party had taken to develop and implement a comprehensive, coordinated and effective system of data collection in the areas covered by the Optional Protocol; to disaggregate such data by, inter alia, sex, age, nationality and ethnic origin, region and socioeconomic status; and to ensure that such data included the number of prosecutions and convictions relating to the offences under the instrument. He also asked what measures had been adopted to include all the issues covered by the Optional Protocol in the National Plan of Action for Children in South Africa 2012-2017 so that all the provisions of the Optional Protocol were systematically implemented in the relevant areas and to guarantee that children, communities and civil society organizations were able to actively participate in the formulation of policies and programmes.

85. He wished to know whether a central coordinating body, such as the National Children's Rights Intersectoral Coordination Committee, had been given a clear mandate and sufficient authority to coordinate all the activities relating to the implementation of the Convention and the Optional Protocol at the intersectoral, national, regional and local levels and to provide that body with the necessary human, technical and financial resources. He also wished to know how the State party ensured that all the acts and activities defined in articles 2 and 3 of the Optional Protocol were fully taken into account in its criminal

legislation and that jurisdiction was established over all the offences where the alleged offender or the victim was a South African national or resident. He would welcome more information on extradition issues, in particular whether under South African legislation the Optional Protocol was considered the legal basis for extradition with regard to the offences covered by the instrument.

86. Lastly, he asked what mechanisms and guarantees were in place or envisaged to protect the rights of children who were victims of offences under the Optional Protocol, to ensure that they were treated as victims and not criminals by judicial authorities and law enforcement officials and would not be subject to prosecution.

87. **Ms. Khazova** (Country Rapporteur) asked whether the State party planned to collect data on the offences covered by the Optional Protocol or to investigate the root causes of those offences with a view to effectively assessing and addressing related problems. Noting that South Africa was a major hub for child sex tourism in Africa, she enquired whether any measures were in place to prevent child sex exploitation in tourist centres, hotels and spas or to regularly monitor those areas and facilities. Did the State party provide training on the Optional Protocol for all persons involved in the protection of children or was such training offered on a case-by-case basis? Did the State party raise awareness of the Optional Protocol in schools or provide mandatory courses on Internet safety?

88. She would appreciate more information regarding the National Child Protection Register and the National Register for Sex Offenders. Did the names of child sex offenders appear on both registers? At what point, if any, would a child offender be removed from the National Sex Offenders Register?

89. The State party must ensure full birth registration, given that children who were not registered were particularly vulnerable to the offences covered by the Optional Protocol. Moreover, it was unclear whether the sale of children was criminalized under South African legislation. If a mother sold her child in exchange for money but the child was not adopted and simply vanished, would it be considered the sale of a child? Would the mother be punished?

90. She expressed concern about the traditional practice of *ukuthwala* (abduction and forced marriage of girls) and asked whether it was explicitly protected under the Constitution. She enquired whether exchanging a daughter for lobola (bride price) was permitted under national legislation or whether it was considered the sale of a child and was a crime. She also expressed concern that under the Sexual Offences Act children involved in prostitution were considered offenders when they were, in fact, victims.

91. While South African legislation provided a detailed definition of child pornography, it did not establish how to properly dispose of pornographic materials so that they were not discovered by children. Moreover, the legislation did not differentiate between adult and child offenders. Since child pornography was reportedly widespread in South Africa it was a cause of great concern. Were children who were forced to take naked pictures of themselves considered guilty of an offence? Was there any mechanism to ensure that children who took naked pictures of themselves and shared those pictures with other children were exempt from prosecution or placed in special programmes?

The meeting rose at 6 p.m.

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Summary record of the 2143rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 September 2016, at 10 a.m.

Chair: Ms. Muhamad Shariff (Vice-Chair)

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Initial report of South Africa on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

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In the absence of Mr. Mezmur, Ms. Muhamad Shariff, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Second periodic report of South Africa (continued) (CRC/C/ZAF/2; CRC/C/ZAF/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of South Africa took places at the Committee table.*

2. **Mr. Dangor** (South Africa) said that the Government had embarked on highly coordinated, population-wide strategies to reduce the harm associated with the consumption of alcohol and the illicit use of drugs. Those strategies included measures to reduce both supply and demand.

3. **Ms. Nxumalo** (South Africa), referring to the question of street children, said that the development of the strategy for improving their lives had not involved consultations with the children themselves. However, relevant NGOs and child ambassadors had been consulted. The authorities would make an effort to consult street children in the future.

4. **Mr. Cardona Llorens** (Country Task Force) asked whether the State party had any plans to involve street children in the monitoring of the strategy and the evaluation of its results. He also wondered whether an evaluation of the results of the strategy had already begun.

5. **Ms. Nxumalo** (South Africa) said that ongoing work on the strategy would involve consultations with street children. No study of the impact of the strategy had yet been undertaken.

6. **Mr. Gastaud** asked whether the authorities had taken a census of the number of street children in the country's major cities and whether any coherent measures had been taken to help street children before the development of the current strategy.

7. **Ms. Bogopane-Zulu** (South Africa) said that there were only estimates for the number of children living or working in the streets. The Department of Social Development allocated funds to NGOs that operated shelters for such children. Many of the children living or working in the street were not South African. Local communities often helped the authorities identify undocumented children, whose provenance was generally unknown. Any former child soldiers who were identified were dealt with on a case-by-case basis.

8. South Africa had signed the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) and had hired more labour inspectors. In the agricultural sector, however, pockets of child labour persisted. The Department of Labour and the Department of Agriculture, Forestry and Fisheries had therefore developed a joint strategy to combat it. Officials from the Department of Social Development visited farms during the off season, in part to interact with children and identify those likely to be sent to work in the fields.

9. **Ms. Mxakato-Diseko** (South Africa) said that former child soldiers or other victims of armed conflict arriving in South Africa from war-torn areas of neighbouring countries were never placed in camps. However, it was not always easy for the authorities to identify such children or determine what remedial help they might need. Her Government would welcome recommendations from the Committee in that regard.

10. **Mr. Cardona Llorens** said that the Committee would attempt to include appropriate recommendations in its concluding observations.

11. **Ms. Winter** asked whether anything could be done to ensure that psychologists specialized in working with child victims of armed conflict were available in areas where they were needed — for example, in the country's main border towns.

12. **Ms. Mxakato-Diseko** (South Africa) said that as the country's borders were porous, it would not be of any particular use to assign such specialists to border areas. Discussion on how best to deal with traumatized women and children entering the country from abroad was nonetheless under way. All children in South Africa, regardless of their immigration status, were entitled to public services, which they generally sought at the local level, on an equal basis. In connection with immigration issues more generally, Committee members should bear in mind that although South Africa was a developing country, it received more immigrants than such countries as Australia and Canada.

13. **Ms. Winter** said that specialized psychologists should therefore be available at local level.

14. **Ms. Mxakato-Diseko** (South Africa) said that in the townships it was virtually impossible to know who was an immigrant and who was not. Traumatized children were identified by local actors such as teachers and referred to local clinics or social workers.

15. **Ms. Bogopane-Zulu** (South Africa) said that the Department of Social Development provided services to all children in distress. Members of local communities were well aware of the need to report the existence of neglected or traumatized children to the local authorities.

16. The State party had not achieved Target 5.A of the Millennium Development Goals on the reduction of the maternal mortality ratio. Numerous campaigns promoting breastfeeding had been run. In the recent past, HIV-positive women had been advised not to breastfeed owing to issues relating to HIV-transmission and a number of infants in rural areas had died of preventable diseases such as diarrhoea, having been given formula prepared with dirty water. The situation had been clarified in that regard and women currently breastfed freely in public. Restrictions on the advertising of formula had been introduced and the Department of Health actively promoted breastfeeding. Many workplaces catered for the needs of breastfeeding women and breast milk could be stored at early childhood development centres. A number of breast-milk banks had been set up in hospitals. South Africa would be hosting the 2016 World Breastfeeding Conference later in the year.

17. The rate of mother-to-child transmission of HIV had fallen from 38.3 per cent in 2006 to 1.5 per cent in 2016; however, the prevalence of HIV/AIDS remained high among mothers aged 15 to 24 years. An interdepartmental programme on HIV/AIDS focusing on that population group and coordinated by the South African National AIDS Council had been launched. Condom distribution to youth and men and women had been increased, along with funding in that regard. A condom factory had been set up and a brand of condom had been designed and produced following consultations with young persons.

18. **Ms. Ayoubi Idrissi**, turning to the issue of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, asked whether child sex workers were prosecuted or treated as victims. She asked whether the results of quarterly studies on the impact of policies for the prevention of offences under the Optional Protocol were available.

19. **Mr. Rodríguez Reyes** said that the State party was to be congratulated on its efforts to promote breastfeeding. Information on how the national authorities intended to ensure that all hospitals were child friendly would be welcome. He asked whether all the provisions of the International Code of Marketing of Breast-milk Substitutes had been transposed into and were implemented through domestic legislation. While welcoming the

monitoring of breast-milk substitute producing companies by the Government, he asked whether the State party had ratified the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization. It would be useful to have information on the duration of and categories of women entitled to maternity leave.

20. **Ms. Aho Assouma**, turning to the issue of the prevention of mother-to-child transmission of HIV, asked whether all pregnant women, including in isolated rural areas, were tested for HIV. Information on the coverage of HIV-testing services at the district level and the number of health teams involved in that work would be welcome. The report submitted by the State party made no mention of the link between maternal and infant mortality rates and AIDS, or of the overall rate of assisted births. She asked how the national authorities were working with the African Union to reduce the number of maternal deaths resulting from caesarean sections. She asked whether caesarean sections and corresponding blood transfusions were performed free of charge. The Committee would be grateful for information on efforts to tackle AIDS, tuberculosis and malaria in detention centres, on shortages of antiretroviral drugs, HIV-testing reagents and tuberculosis drugs in the State party and access to such products in rural areas.

21. **Ms. Bogopane-Zulu** (South Africa) said that antiretroviral drugs were immediately provided to patients once they had tested positive for HIV, regardless of the number of CD4 T lymphocytes in their blood sample. HIV testing was offered as a part of regular blood-testing services, including in isolated rural areas. In total, 3.8 million persons in South Africa were currently being treated with antiretroviral drugs. An HIV counselling and testing campaign had been launched, which had reached 20 million persons over a 12-month period and which would be continued in the future to encourage individuals to be tested on an annual basis. Blood transfusion was 100 per cent HIV-free in the State party. Caesarean sections and postnatal infant care were provided free of charge in public hospitals. Pregnant women had access to free health care. Detainees had access to prompt voluntary tuberculosis testing and antiretroviral and tuberculosis drugs were available in detention centres as a part of free health-care provision. The few cases of malaria that did arise within the prison population were dealt with accordingly. Juvenile offenders were held in youth detention centres, rather than alongside adult prisoners. The State party had ratified the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization. Women were entitled to four months' paid and two months' unpaid maternity leave and provision was also made for paternity leave. The Department of Health was currently setting up an inspectorate to monitor issues relating to nutrition, medicines, medical equipment and professionals and labelling of food products, in partnership with the Department of Trade and Industry.

22. **Ms. Aho Assouma** said that she had been informed that blood transfusions performed in the context of caesarean sections were not provided free of charge. She asked whether detainees living with AIDS or tuberculosis remained incarcerated during treatment and whether, given the fact that condoms were freely available in the State party, the high rate of adolescent pregnancy would be the result of rape.

23. **Mr. Kotrane** said that the State party was to be congratulated on offering women four months' paid maternity leave. However, he had been informed that South Africa had not yet ratified the Maternity Protection Convention, 2000 (No. 183), the Maternity Protection Convention, 1919 (No. 3) or the Maternity Protection Convention (Revised), 1952 (No. 103) of the International Labour Organization.

24. **Ms. Bogopane-Zulu** (South Africa) said that blood transfusions were performed free of charge in public hospitals, including as a part of caesarean sections. Inmates with tuberculosis were placed in isolation and received six months' compulsory treatment at detention centre hospital units. An HIV intervention strategy had been put in place within the correctional system. Despite numerous awareness-raising campaigns on safe sex, the

South African National AIDS Council had found that many young persons were unable to negotiate condom use, which frequently led to adolescent pregnancies. In addition, many girls fell pregnant as a result of rape. The Government had decided to ratify the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization but would only do so once an audit of the country's international and domestic obligations had been carried out.

25. **Ms. Aldoseri** asked whether the national authorities had reviewed their strategy for raising awareness among students of sexual issues, whether adolescent mothers were expelled from school and, if so, whether follow-up was provided relating to their education in the wake of expulsion.

26. **Ms. Bogopane-Zulu** (South Africa) said that a new health programme for school children had been launched to improve their life skills. Pregnant students remained at school and returned to education following the birth of their children, benefiting from support with regard to early child development.

27. **Mr. Dangor** (South Africa) said that over the past 20 years the overall fertility rate had fallen significantly, including among girls aged 14 to 19 years. However, adolescent pregnancy remained a serious problem. The decline had been brought about by greater openness regarding the discussion of sexuality and improved access to sexual and reproductive health-care services. The Government had adopted the National Adolescent Sexual and Reproductive Health and Rights Framework Strategy, which addressed the issues of enjoyment of sexual and reproductive health rights and access to contraception. Sex-education strategies were currently being reviewed, with the aim of shifting the focus to prevention.

28. **Ms. Aho Assouma** said that she had not received an answer to her question on shortages of antiretroviral drugs. She asked what measures had been taken in that regard and what had caused the shortages. The State party might find it useful to carry out a study into why sex was all-pervasive in South African society.

29. **Ms. Bogopane-Zulu** (South Africa) said that, in the past, South Africa had been affected by shortages of antiretroviral drugs, often on account of problems with suppliers. The State party had managed to bring the price of antiretroviral drugs down and to increase the number of beneficiaries of such treatments. However, the number of clinics had remained static.

30. The Government was in the process of constructing a State-run pharmaceutical company for public use to ensure that all persons who required antiretroviral medication had access to supplies. A measure had been introduced recently which allowed patients to send an SMS message via their mobile phones to the chronic medication hotline, thereby alerting the hotline to a shortage in the supply of medication in a particular clinic. A chronic medication register had also been established which enabled patients to obtain their medication from an establishment that was geographically convenient to them, such as a nearby supermarket or shop. Moreover, a home delivery system for medication, particularly aimed at people in rural areas, had recently begun to operate.

Initial report of South Africa on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ZAF/1; CRC/C/OPSC/ZAF/Q/1)

31. **Ms. Sipamla Majokweni** (South Africa) referring to an earlier question, said that although the Constitution did not specifically address *ukuthwala*, it protected all customary practices that had not been found unconstitutional. People who abused *ukuthwala* to force children into marriage were prosecuted. By law, all persons involved in efforts to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of

children, child prostitution and child pornography, including prosecutors, the police, court officials and health-care personnel, were required to undergo relevant training, and the public agencies organizing those training efforts had to submit to Parliament the syllabuses for their training programmes.

32. The sale of a child had not been defined as an offence as such in South Africa. In a recent case involving a woman who had attempted to sell a small child over the Internet, the State had secured a conviction on related charges, including child trafficking and money laundering.

33. Under the Constitution, South African courts, when interpreting the Bill of Rights, were required to consider international law. The alleged perpetrators of offences covered by the Optional Protocol could therefore be prosecuted in South Africa, even if those offences were not specifically defined in South African law.

34. **Ms. Khazova** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that she would welcome a clarification as to whether child marriage was permitted in the State party. She also wondered whether she had understood correctly that the provisions of the Optional Protocol were directly applicable in South African law.

35. **Ms. Bogopane-Zulu** (South Africa) said that *ukuthwala* was but one of the many cultural practices protected, in general terms, under the Constitution. *Ukuthwala* was not in itself a wrong; it became a wrong when it was used to violate children's rights, including their right not to be forced into marriage. Child marriage was not allowed in South Africa.

36. The provisions of the Optional Protocol or other international instruments could be applied directly by the country's courts. Judgments in which such provisions were invoked then formed part of the country's body of case law.

37. **Ms. Sipamla Majokweni** (South Africa) said that South Africa was regarded as a paradise for child pornography. Nonetheless, offenders had been prosecuted, and there was no shortage of child pornographers who were serving lengthy prison sentences.

38. **Ms. Kambula** (South Africa) said that South Africa had two operating registers regarding sexual offences: the National Register for Sex Offenders (NRSO) and the Child Protection Register. The former registered the convictions of those who had perpetrated sexual offences against children and against persons with psychosocial disabilities. It also included any previous convictions of the offender. In the past, legislation on sexual offences had allowed the registration of all persons who had committed such crimes irrespective of their age. However, in a case that was brought to the constitutional court, the court decided that it was unconstitutional to enter the name of a child who had committed a sexual offence in the NRSO as it restricted the best interests of the child. Consequently, the provision requiring all sex offenders to be registered in the NRSO was amended to include restrictive measures that a court must consider when a child was convicted of a sex offence. Between 2009 and 2014, a total of 196 children had been registered in the NRSO.

39. The procedure for deciding whether a child's name should be entered in the NRSO was as follows: the case was initially considered by a prosecutor who would decide whether he or she believed that the child's name should be registered; the court responsible for hearing the case must receive a report from the child's probation officer addressing the livelihood of the child reoffending; the child in question would be required to appear before the court and explain why his or her name should not be placed on the register (legal aid services would be provided if necessary); the court would ultimately make the final decision.

40. It was possible for those who were children at the time of the commission of the offence to have their name removed from the NRSO subject to a number of different

criteria. For example, if the criminal sentence imposed was less than 18 months, the individual was eligible to have his or her name removed from the NRSO. However, if an individual had been convicted of two or more sex offences against children or persons with psychosocial disabilities, his or her name would never be removed from the register. The name could only be removed after five years following the individual's release from prison. However, the application to have the name removed could be made within the five-year period.

41. **Ms. Khazova** said that she wished to know whether a child who had been trafficked for the purpose of sexual exploitation would be imprisoned under law.

42. **Ms. Bogopane-Zulu** (South Africa), responding to an earlier question, said that South Africa did provide free housing and prioritized the provision of such housing for women with children. However, in cases of eviction, children were not subjected to discrimination. Evictions were carried out by authorities when land that had been earmarked for development was illegally occupied. The Social Security Agency carried out interventions for families in such a position.

43. **Ms. Sandberg** said that she would appreciate more specific information on how the rights of children were protected during evictions. For instance, were evicted families provided with alternative accommodation or were efforts made to avoid eviction where possible?

44. **Ms. Bogopane-Zulu** (South Africa) said that South African law very clearly outlined the procedure to be followed when carrying out evictions. For example, families were accommodated in community halls if they were evicted. Moreover, if the private owner of the illegally occupied land or the State did not react within 48 hours of being informed of the situation, alternative accommodation had to be sought for the evicted persons.

45. **Mr. Dangor** (South Africa) said that the number of people accessing social assistance in South Africa had increased considerably over the past 20 years, including the number of children who received the Child Support Grant. Research conducted by international agencies had indicated that the Child Support Grant was an effective measure in reducing the inequality rate and the number of children experiencing hunger, encouraging young girls to stay in school longer, and decreasing absolute poverty.

46. **Ms. Bogopane-Zulu** (South Africa) said that the Government had introduced a zero-hunger programme and that the Department of Social Development awarded Social Relief of Distress benefits for families in which none of the members were employed. The benefits were provided in the form of foodstuffs, food vouchers, or by enabling benefit recipients to eat free of charge in community nutrition development centres. The Department of Social Development paid the salaries of those who had been trained as cooks in the community centres. NGOs had contributed to the implementation of the programme.

47. The Department of Water and Sanitation had been formed in 2014 and a number of policies had been created to improve access to such services. For instance, one policy provided that every household was entitled to a certain amount of free water and electricity before being required to pay for the services. Another strategy aimed to ensure that every South African had access to sanitation facilities, including in schools. The Department of Basic Education had been instructed to ensure that every school offered such facilities by 2019. Special grants had been awarded to the Department of Basic Education for that purpose.

48. **Ms. Sipamla Majokweni** (South Africa) said that South Africa did enjoy extraterritorial jurisdiction. Furthermore, South Africa did request the extradition of persons involved in cases of interest to the country but also agreed to the extradition of offenders to

foreign countries in cases that were deemed appropriate to be considered outside of South Africa.

49. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that he would like more information on the circumstances under which extraterritorial jurisdiction was invoked by the State party. In accordance with the Optional Protocol, any offence relating to the sale of children, child prostitution and pornography constituted grounds for exercising extraterritorial jurisdiction if the perpetrator was a national or resident of the State party or if the victim was a national of the State party. He also wished to know whether the Optional Protocol could be invoked as the sole basis for the extradition of an offender, regardless of whether South Africa had signed an extradition agreement with a specific country.

50. **Ms. Sipamla Majokweni** (South Africa) said that the Optional Protocol could not be used as the sole basis for extradition. Under current law, the offence perpetrated must constitute an offence in the country in which the crime was committed in order to allow the extradition of the individual to South Africa to proceed.

51. **Ms. Bogopane-Zulu** (South Africa) said that efforts were under way to achieve universal access to health-care services by 2019. The National Health Insurance scheme was currently at its pilot stage.

52. With regard to NGO participation, NGOs had been consulted during the preparation of the State party report which was later submitted to the Committee. A number of workshops had also been held with NGOs.

53. Children were not prosecuted for being involved in the sex trade, as they were considered victims under the Sexual Offences Act and Trafficking Bill. A strategy on sex work had recently been developed which focused on a number of areas, such as access to health-care services for sex workers, and the prevention of HIV and other sexually transmitted infections. Child victims of sex trafficking had access to health care irrespective of their nationality. A pre-exposure prophylaxis programme for sexually active girls was currently being implemented in order to prevent the risk of them contracting HIV.

54. **Ms. Kambula** (South Africa) said that cases of rights violations against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons were addressed by a national task force comprising Government departments and NGOs. There were also provincial rapid response teams that reported to provincial task forces and were responsible for identifying cases involving the LGBTI community, a challenging task given the reticence among victims to disclose their sexual orientation.

55. **Mr. Kgarabjang** (South Africa) said that discussions on the definition of child pornography had recently taken place. The definition in the Films and Publications Act had been brought into line with international standards, and recommendations for further amendments had been received from various organizations. With reference to the prosecution of child pornography offences, the Films and Publications Board had met with the Department of Justice and the National Prosecuting Authority, and those bodies reported to the South African Law Reform Commission so that such offences could be prosecuted.

56. The Films and Publications Board raised awareness of the dangers of child pornography through a campaign for children, parents, educators and the public that was overseen by a designated office. The Board had also participated in that year's Safer Internet Day and hosted events for primary schools.

57. **Ms. Khazova** asked whether mandatory courses on Internet safety existed, or were planned, in schools.

58. **Ms. Sandberg** asked whether life skills programmes addressed sexual identity and whether they were devised with the involvement of young people.

59. **Mr. Dangor** (South Africa) said that the sexual and reproductive health strategy for adolescents was under review. The revised strategy would address sexual identity.

60. **Mr. Kgarabjang** (South Africa) said that a formal sex education curriculum did not exist in South Africa.

61. **Ms. Bogopane-Zulu** (South Africa) said that no Internet safety programme currently existed. Unsafe, illegal abortions remained a problem that particularly affected young girls, who, according to research, often turned to illegal practitioners for fear of their families being informed by health-care professionals. More youth-friendly clinics had therefore been opened; they also provided contraception, for example through a programme that provided the contraceptive implant to female pupils.

62. The Department of Tourism was developing a policy to protect children in tourist areas, and police officers regularly visited areas where sex was commonly sold. Assistance was provided to children found in those areas.

63. **Ms. Nxumalo** (South Africa) said that the Child Care and Protection Forum addressed issues pertaining to the Optional Protocol.

64. **Ms. Aho Assouma** asked whether specific measures had been adopted to tackle childhood obesity.

65. **Ms. Bogopane-Zulu** (South Africa) said that a study on the root causes of violence against children had been carried out.

66. **Mr. Dangor** (South Africa) said that numerous studies on the causes of gender-based violence and violence against children had been undertaken. One of the biggest, led by the National Prosecuting Authority, had detected a link between patriarchy, poverty, inequality and exclusion. Those studies informed Government policies and departments in terms of law enforcement and support for victims.

67. **Ms. Ayoubi Idrissi** asked what support was available for victims of sexual violence. Psychological support was of particular importance given the high rates of suicide among young adults.

68. **Ms. Bogopane-Zulu** (South Africa) said that cultural factors and the lack of sex education during apartheid made it difficult for today's parents to talk about sex and sexuality with their children. Furthermore, on account of the HIV/AIDS epidemic children were often raised by their grandparents, who did not feel able to discuss such subjects.

69. Although there was no specific strategy to target childhood obesity, the Department of Health had introduced regulations limiting salt and sugar in food, and sports had been reintroduced to schools. Outside gymnasia had been built and were accessible to all citizens, and there was a healthy lifestyle programme, as well as weekly organized walks. Swimming pools had been opened in many municipalities and swimming lessons provided for children. To address suicide among the young, the Department of Social Development supported the South African Depression and Anxiety Group.

70. **Ms. Nxumalo** (South Africa) said that the country's victim empowerment programme was guided by the Service Charter for Victims of Crime and provided psychosocial support, residential care, preparation for court and support for victims in hospitals and police stations, most of which were equipped with victim-friendly rooms. Social workers, police officers, court staff and health officials were trained in the implementation of the programme, and a survey of victims' satisfaction with the criminal justice system had been carried out.

71. Psychological support was also provided in partnership with various NGOs, and the Government ran a free, 24-hour centre that provided counselling via telephone, text message or the Internet. Geolocation technology was used to refer those who contacted the centre to their nearest social worker. The service aimed to reduce suicide among young people, particularly when secondary school examination results were released.

72. **Ms. Bogopane-Zulu** (South Africa) said that as a result of feedback given to the centre by parents and pupils, the Department of Basic Education now allowed pupils to re-sit their examinations, which led to a reduction in suicides.

73. **Ms. Oviedo Fierro** (Coordinator, Country Task Force) said that while the delegation had used the country's difficult position to justify its problems, she would have liked to engage in deeper discussion of the challenges that were causing them. Investment in children was a strategic decision; if they were allowed to develop their full potential, so too would the country.

74. **Ms. Khazova** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that despite its many problems, the State party possessed the will and resources to become one of the safest places in the world for children with regard to offences under the Optional Protocol.

75. **Ms. Bogopane-Zulu** (South Africa) said that many lessons had been learned during the dialogue with the Committee. In particular, the delegation had noted the Committee's comments on the need for a strengthened coordinating mechanism and on children with disabilities. Although the country's geographical location made child protection challenging, it was a priority for the Government.

The meeting rose at 12.45 p.m.

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Seventy-third session

Summary record of the 2144th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 September 2016, at 3 p.m.

Chair: Mr. Mezmur

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Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Saudi Arabia

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Saudi Arabia (CRC/C/SAU/3-4; CRC/C/SAU/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Al-Aiban** (Saudi Arabia), introducing his country's combined third and fourth periodic reports (CRC/C/SAU/3-4), said that, in Saudi Arabia, the protection and promotion of the rights of the child were based on constitutional principles derived from sharia, national laws and regulations and relevant international instruments, in particular the Convention. Several laws had recently been issued to protect and promote the rights of the child. They included the Child Protection Act, which defined a child as any person aged under 18 years, and the Protection from Abuse Act, which criminalized the failure of a person to ensure that the basic needs of those under his or her custody were met. An integrated system for the protection of the rights of the child had been developed through the construction of a strong legal framework and the establishment of implementation, supervision and control mechanisms.

3. To prevent domestic violence and protect victims, a specialized centre had been established with a free, round-the-clock hotline. The National Family Safety Programme developed plans and strategies to combat domestic violence and child abuse and conducted awareness-raising campaigns. Legislation on the establishment of a family affairs council had recently been adopted with a view to strengthening the status and role of the family in society and ensured family cohesion. It also sought to promote the rights of women, children, older persons and persons with disabilities.

4. The Human Rights Commission cooperated with relevant departments to monitor the implementation of national legislation and the international instruments to which Saudi Arabia was a party. It received complaints of violations of the rights of the child and performed a supervisory function in the Shura Council. The majority of the objectives that had been set in the framework of the National Plan of Action for Children 2005-2015 had been achieved.

5. Civil society organizations played an important role in the protection and promotion of the rights of the child. The National Human Rights Association, for example, monitored and received complaints of violations of the rights of the child and issued an annual report and data. Many charities and civil society organizations were involved in protecting and promoting the rights of the child and supported orphans, persons in need, persons with disabilities and victims of violence and human trafficking. Saudi Arabia had 882 civil society organizations working in the spheres of human rights and the rights of the child and, in 2015, they had received financial support from the Ministry of Labour and Social Affairs valued at more than 2 billion Saudi riyals. In 2015, a law on NGOs had been issued, marking an important shift in the regulation of civil society organizations.

6. Saudi Arabia attached great importance to the development of the judiciary and the revision of national legislation with a view to protecting and promoting human rights. Recent legislative steps in that direction included: the law on judicial decisions, which provided for the establishment of a specialized committee; a draft law on juveniles, which would regulate the treatment of minors during their arrest, investigation, trial and punishment; the law on a committee for lawyers, which supported and strengthened the role of lawyers in the protection of human rights; and an amendment to the law on the Human Rights Commission, which strengthened the independence of that institution.

7. Recent statistics showed the progress made as a result of measures taken to protect and promote the rights of the child. For example, the infant mortality rate had fallen and the school enrolment rate had increased. The King Abdulaziz and His Companions Foundation for Giftedness and Creativity played a key role in developing the capacities of children by sponsoring talented and creative boys and girls and advising government and non-governmental organizations on matters of talent and creativity. In that connection, it had launched a number of initiatives and enrichment programmes.

8. Measures had been taken to further the goal of sustainable development and had already had a positive impact on the protection and promotion of human rights. The Tenth Development Plan 2015-2019, for example, established strategic objectives that were closely aligned with the task of protecting and promoting human rights. Furthermore, work was under way to implement Saudi Vision 2030, which was aimed at developing the country's legal foundations and resources in order to secure a better future. Saudi Vision 2030 would also improve the protection of human rights, including the rights to security, health, education, work, participation in political and public life and freedom of association. To develop the capabilities necessary to achieve the objectives of Saudi Vision 2030, the National Transformation Programme had been established across 24 government bodies and covered several initiatives in the sphere of human rights, including the rights of the child. They included initiatives to develop nurseries and day-care programmes. Targets had also been set to increase the nursery enrolment rate, the participation of children aged between 6 and 18 years in disability programmes and the participation of students in extracurricular activities.

9. A number of programmes and events had been organized in the framework of the Memorandum of Understanding signed with the High Commissioner for Human Rights, and a further 17 programmes would be launched in 2016, including activities and programmes focused on the Convention. It was expected that a set of national guidelines on the implementation of international instruments would be completed in the following few days. Specialized programmes, seminars and workshops would continue to be held. The Convention had been the subject of a recent seminar attended by a number of United Nations experts.

10. **Mr. Cardona Llorens** (Coordinator, Country Task Force) asked whether the State party would ratify Optional Protocol to the Convention on the Rights of the Child on a communications procedure and, if not, why not. As indicated in paragraph 23 of its report (CRC/C/SAU/3-4), the State party had decided to maintain its general reservation to the articles of the Convention that conflicted with the provisions of Islamic law. However, the State party's argument for the maintenance of that reservation, namely that it did not undermine the implementation of the Convention, could be formulated in reverse: if the reservation did not undermine the implementation of the Convention, it served no purpose and could be withdrawn. In practice, the State party's reservation hindered the realization of the rights set forth in the instrument. For example, despite the efforts made by the Ministry of Justice to reduce the prevalence of child marriage, a prominent religious leader had declared that it was permissible under Islamic law for a man to marry a girl aged 9 years.

11. He wondered whether the planned review of domestic legislation relating to children had been conducted and, if so, what its results had been and whether the Child Protection Act covered only the protection of the rights of the child or whether it also covered their promotion. Did it address children's participation, their right to be heard, civil liberties and political rights? If it did not, how were such rights addressed?

12. Furthermore, given the difficulty of determining how much of the budget went towards programmes for children, he wished to know whether there were any plans to improve the system by which budgetary allocations were recorded with a view to ensuring that those made available for programmes for children were sufficient to protect their rights,

including their civil and political rights. Also, it would be helpful to know whether a national data gathering system had been established with the support of United Nations Children's Fund, as had been planned, and, if so, how it would be used in the future.

13. The Committee was concerned at the arrest, detention and punishment of human rights defenders, including those, such as Samar Badawi, who had worked to promote the rights of the child. In that context, he asked what measures had been taken to guarantee the freedom of civil society. Lastly, it would be helpful to learn whether the State party planned to follow the practice of the Gulf Cooperation Council in setting the age of marriage at 18 years, since the exception provided for in article 1 of the Convention could not be used to justify child marriage.

14. **Mr. Gurán** (Country Task Force) said that he would be grateful for more information on the structure, membership and mandate of the National Commission for Childhood and on whether it conducted evaluations and produced an annual report. Furthermore, he wished to know what amendments had been made to bring the National Human Rights Association into line with the Paris Principles, how its chair was appointed, whether it had a department responsible for the rights of the child and how its complaints mechanism worked in practice. Had children in Saudi Arabia been made aware of the complaints mechanism? Lastly, it would be helpful to know whether the principle of the best interests of the child was upheld in administrative and judicial proceedings and whether training courses on the Committee's general comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration had been organized for professionals who worked with children, including judges, teachers and social workers.

15. **Mr. Rodríguez Reyes** (Country Task Force) asked what strategies and policies had been adopted to combat discrimination against the children of foreign nationals, lesbian, gay, bisexual and transgender teenagers, children with disabilities, children born out of wedlock, the children of migrant workers and children belonging to religious minorities, including the children of Shia families.

16. He asked whether the State party intended to abolish the system of male guardianship over women and girls, as recommended by the Committee on the Elimination of Discrimination against Women and other international bodies, and what steps it had taken to ensure that girls were recognized as full rights holders.

17. Notwithstanding the State party's assertion that there were no religious minorities living in Saudi Arabia, the Committee remained concerned that non-Muslim children were unable to practise their religion or express their culture freely outside the private sphere and that children who belonged to other religious groups or who had no religious affiliation were often obliged to attend schools where only the State religion was taught. The Committee had also been informed that non-Muslims received less compensation than Muslims in court cases. He invited the delegation to describe the measures taken to put an end to those discriminatory practices.

18. In its previous concluding observations (CRC/C/SAU/CO/2), the Committee had urged the State party to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, he asked what steps had been taken to revoke the decisions authorizing the execution of persons convicted for crimes committed when they were children; to halt the execution of Ali Mohammed al-Nimr, Dawood Hussain al-Marhon and Abdullah Hassan al-Zaher; and to prohibit, by law, the imposition of the death penalty on persons who were under the age of 18 at the time of commission of the offence.

19. Although the State party had indicated that no child had been convicted of apostasy, the Committee remained concerned that the possibility of convicting a child of that offence still existed on account of the punishment prescribed for it not having been repealed. He

asked what steps had been taken to repeal laws and decrees that could violate a child's right to express their views and beliefs freely.

20. It would also be useful to hear about the impact of the regulation adopted in April 2016 to curb the powers of the Committee for the Promotion of Virtue and Prevention of Vice. Lastly, he asked whether the State party had considered exempting girls belonging to other religious groups or who had no religious affiliation from adhering to the dress code imposed on Muslim girls, and whether it had removed all references that were discriminatory towards religious minorities from school textbooks.

21. **Ms. Sandberg** (Country Task Force) said that the Committee had been alarmed by reports that stoning, flogging and amputation, which constituted acts of torture and/or ill-treatment, could still be imposed as a punishment on children; that torture was often used to compel children to confess to crimes that they had not committed; that children who had been sentenced to death were held in solitary confinement; and that children were allowed to attend public executions, which involved beheading and stoning. She asked whether any measures had been adopted to prohibit the imposition of such punishments on persons who had committed a crime before the age of 18, to prevent children from attending public executions and to afford children who were in contact or who had come into conflict with the law better protection against acts of torture and ill-treatment.

22. The Committee had received reports that domestic violence remained widespread in Saudi Arabia. It would be useful to learn more about the impact of the recently adopted laws to address domestic violence, the measures adopted to enforce them, any other programmes being carried out to curb that phenomenon and the interventions of child protection teams. The delegation should also indicate what was being done to address the root causes of violence against children and its links with gender-based violence.

23. As the State party had refuted reports that police officers often requested women and girls to obtain their male guardian's permission before lodging a complaint on the basis that it would be unlawful for them to do so, she asked what measures were in place to ensure that police officers complied with the legal provisions prohibiting that practice. She invited the delegation to comment on reports that judges sometimes prevented women from entering the court room and from testifying at trials.

24. Noting that the use of corporal punishment against children was still permitted in penal institutions and in the home, which constituted a violation of the Convention, she asked whether the use of corporal punishment against children was also permitted in alternative care settings, day-care centres and schools. She asked whether the State party envisaged prohibiting the use of corporal punishment in the home and promoting alternative forms of discipline.

25. She would also like to know how it was ensured that girls who were victims of sexual abuse were not prosecuted for extramarital sexual relations if they denounced their abusers. She invited the delegation to comment on reports that child sex offenders could escape punishment by paying a form of financial compensation to the victim's family known as "blood money"; on the case of Fayhan al-Ghamdi, who had reportedly been released shortly after having been convicted of raping, torturing and murdering his 5-year-old daughter; and on reports that Saudi citizens often engaged in sex tourism abroad, making use of temporary marriages to sexually abuse young girls. Lastly, she asked whether the "1919" helpline was manned 24 hours a day and, if not, whether its hours of operation could be extended.

26. **Ms. Aho Assouma** (Country Task Force) said that, although Saudi Arabia was to be commended on its efforts to encourage the prompt registration of all births in the country and on providing that service free of charge, the Committee was concerned that the fine imposed on parents who failed to obtain a birth certificate for their child within six months of his or

her birth, which could be doubled depending on the length of the delay, could effectively prevent parents with little or no financial resources from ever obtaining a birth certificate for their child. She asked whether there was a special programme in place to register children whose births had never been declared and whether there were cases in which birth certificates were not claimed by a child's parents. Moreover, the requirement for parents to produce their child's original birth certificate in order to enrol him or her in school effectively denied children whose birth had not been registered access to schooling. How did the State party guarantee children in that situation access to education and ensure that the births of children belonging to nomadic tribes or born to migrant workers were registered?

27. The delegation should also indicate what had been done to address the problem of statelessness among children belonging to nomadic tribes and to amend article 7 of the Citizenship Act to allow all Saudi women to transmit their nationality to their children on an equal footing with men and to offset the risk of statelessness arising from it. The Saudi authorities should not hesitate to request technical support from the Office of the United Nations High Commissioner for Refugees in dealing with the problem of statelessness. It would also be helpful to learn more about the procedures for applying article 7 of the Citizenship Act.

28. On child marriage, she noted with concern that a girl's male guardian continued to exercise complete control over her life and could unilaterally arrange and set the conditions of her marriage. Moreover, the Committee had been alarmed by reports that young girls were sometimes sold as commodities to pay family debts. She asked what measures the State party had adopted to raise the minimum legal age for marriage to 18 years for both boys and girls; to prohibit child marriage outright; to protect married children against domestic violence; and to abolish the system of male guardianship over women and girls. She also wished to know whether child marriages could be annulled if the girl had not yet been handed over to her future husband and how soon a girl who had already gone to live with her new husband could contest the marriage.

29. Noting that a divorce could not take place if the husband withheld his consent and that the wife was required to pay back her dowry if a divorce was granted, she asked whether any move had been made to correct the blatant gender-based inequalities in divorce proceedings. Lastly, she asked whether any action had been taken on the findings of the study on child marriage conducted by a commission of senior scientists referred to in paragraph 72 of the State party's report.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

30. **Mr. Al-Aiban** (Saudi Arabia) said that, although Saudi Arabia had not yet ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the matter was under constant review. The general reservation to the Convention should be viewed as a confirmation of the constitutional principle of the supremacy of sharia and its primacy over all other laws, including the international treaties ratified by Saudi Arabia.

31. **Ms. Al Saleh** (Saudi Arabia) said that the Government of Saudi Arabia attached great importance to promoting children's welfare and to providing children with adequate care. The National Commission for Childhood had been established by ministerial decree and came under the authority of the Ministry of Education. The National Commission was composed of representatives of several government ministries and childhood specialists and had its own budget. It was responsible for coordinating the activities of all government and private institutions and civil society organizations working in the area of children's welfare. Its mandate was to develop policies, programmes and plans for children alongside the competent government institutions; to make policy recommendations to those institutions; to conduct research on and raise public awareness of children's issues; to draft regulations for

the protection of children from abuse; and to evaluate and report on the implementation of regulations, policies, programmes and plans for children.

32. The National Commission had undertaken studies on children's welfare in the health and education sectors and had developed and carried out appropriate programmes and plans in cooperation with the Family Safety Programme and the United Nations Children's Fund (UNICEF), having consulted leading academics, children in alternative care settings and other relevant stakeholders.

33. The National Commission had issued comprehensive national guidelines to assist the competent authorities in dealing with cases of child abuse and in identifying and overcoming the most frequent obstacles to the effective implementation of children's policies. It had also reviewed the performance of the institutions responsible for receiving and investigating complaints of child abuse, and the effectiveness of rehabilitation programmes and existing child protection legislation and regulations. The review had identified a number of shortcomings and challenges, which the Government was in the process of addressing.

34. The Ministry of Education, in cooperation with UNICEF, had launched a programme to combat bullying in schools and had reviewed and updated existing policies and regulations on bullying. The National Commission had provided teachers from 45 districts with training on how to deal with cases of bullying and conducted activities to raise the awareness of students, parents and the wider community of the phenomenon.

35. The National Commission had also undertaken an initiative to raise the awareness of media professionals of the impact of their work on children and had created a network against childhood neglect to build the capacity of teachers to deal with cases of child abuse that came to light at their school. Teachers and public officials had also received training on how to recognize the tell-tale signs of child abuse.

36. The most significant strategy devised by the National Commission was the National Childhood Strategy, which provided for the development of legislation, policies and programmes to comprehensively address children's needs.

37. The Ministry of Finance, in cooperation with other relevant ministries such as the Ministry of Health and the Ministry of Education, was responsible for ensuring the proper management of funds allocated to children's affairs. Civil society organizations were also actively involved in monitoring implementation of the Convention in order to identify any shortcomings in that regard, including those caused by a lack of funds. A number of areas targeted for funding since 2014 could be cited by way of example: 280 million Saudi riyals had been allocated to alternative care programmes for children with special needs; 77 million Saudi riyals had been assigned to broadcasters for the production of children's programmes; and 19 million Saudi riyals had been disbursed to families living abroad.

38. Preparations were being made for the establishment of a family council. The council, which would report directly to the Minister of Labour and Social Affairs, would include representatives of concerned groups, such as children, women and the elderly, and would be tasked with developing a future family strategy. It would operate in coordination with the competent authorities and would, among other things, encourage community-based participation in both children's and family affairs and develop a database on related matters. Under article 6 of the decree, a technical committee would be set up that would include representatives of the National Commission for Childhood. In its coordination role, the council would undertake a number of activities such as monitoring the media, receiving complaints and raising awareness of the Convention in both formal and informal settings. Currently, various government bodies were implementing a phased programme designed to promote a human rights culture, in accordance with a royal order of 2009. Furthermore, under a Memorandum of Understanding concluded between the Kingdom of Saudi Arabia

and the Office of the United Nations High Commissioner for Human Rights, a number of seminars and workshops had been held on human rights issues, most recently in August 2016.

39. **Mr. Cardona Llorens** said that, notwithstanding the State party's position that its reservation to the Convention had no negative consequences, current legislation regarding the age of marriage for girls ran counter to the rights of the child. He would therefore like to know whether the authorities could consider applying relevant laws in such a way that children's rights were not violated. While he had been interested to hear about the steps taken to protect the rights of children, he recalled that the Convention had brought about a paradigm shift, inasmuch as it made children subjects of rights, not objects of protection. Consequently, it would be interesting to know what was being done to promote children's rights and ensure the exercise thereof.

40. **Mr. Alotaibi** (Saudi Arabia) said that the Child Protection Act sought to provide children with comprehensive protection from all forms of abuse and neglect. It defined a child as a person under 18 years of age and neglect as the failure to meet a child's basic needs, including his or her physical, emotional, social, educational and safety needs. In addition, the Act provided detailed descriptions of situations that amounted to neglect, for example the failure to provide a child with identity documents or to complete the child's required vaccinations. The Act also criminalized certain forms of conduct considered to be forms of abuse, such as abusive language, discrimination on racial, social or economic grounds and the employment of children in sporting activities that might jeopardize their safety. The implementing regulations of the Act identified the bodies responsible for investigating cases of abuse and neglect of children and for bringing prosecutions against those responsible. The Act and its implementing regulations had been made available online.

41. **The Chair**, recalling the point raised by Mr. Cardona Llorens concerning children as rights holders, said that it would be helpful to know, for example, whether in cases of neglect children could lodge complaints without parental consent and take part in court proceedings.

42. **Mr. Al-Aiban** (Saudi Arabia) said that a number of actions were taken to involve children in the enforcement and protection of their rights. For instance, certain media organizations provided children with training on their rights to education and to expression of opinion; furthermore, some school broadcasts and other programmes were prepared by children themselves. Further information concerning the issues raised in that regard by Mr. Cardona Llorens would be provided in writing. Although child marriage was not a widespread phenomenon in Saudi Arabia, marriages involving minors did on occasion take place, in particular in border areas. When apprised of such cases, the relevant authorities took immediate action to protect the rights and interests of the minors concerned.

43. **Mr. Bin Nouh** (Saudi Arabia) said that the Ministry of Justice had issued a number of circulars regarding forced marriages and marriages involving minors, including instructions for those responsible for the registration of marriages. The Ministry had also organized several training courses and seminars in that regard, and plans were in place to establish an expert commission tasked with drafting a code of conduct relating to personal status issues. As to the issue of guardianship between the two sexes, which had been considered by some international organizations to be prejudicial to the rights of women, it did not in fact entail the domination of men over women. Guardianship was a form of custody that included the care of minors; in those cases custody was usually granted to the mother.

44. **Mr. Cardona Llorens** asked whether child marriage was defined only as a marriage between minors or whether it also included marriages between, for example, adult men and girls.

45. **Mr. Rodríguez Reyes** said that he would appreciate a response to the question that he had raised earlier, which concerned male guardianship of women rather than the custody of children.

46. **Mr. Al-Aiban** (Saudi Arabia) said that courts were responsible for reviewing marriages involving minors and that judges could exercise their discretionary powers to allow, for example, the marriage of an adult man to a girl aged 16 or 17 if they considered that it was in the best interests of the minor concerned. Marriages involving younger minors were very rare; they were generally annulled when brought to the attention of the courts. Government bodies, including the Ministry of Justice and the Ministry of Education, were taking steps to prevent marriages involving children, including by focusing efforts on enhancing educational opportunities for girls; it was important to note in that regard that there were now more female than male students in higher education.

47. With regard to the question of guardianship, there were certain aspects of sharia that could not be overlooked, in particular the guardianship role of a father when a daughter was entering marriage for the first time, which was undertaken to protect the girl concerned. Such guardianship did not apply to women marrying for the second time.

48. **Mr. Bin Nouh** (Saudi Arabia) said that, in such cases, the purpose of the guardianship system was to ensure that the girl's best interests were being served. However, if the girl concerned objected to a decision, she had the right to take the matter to a court, which would make a ruling in the light of her best interests. The delegation would provide the Committee with further information in writing on marriage-related issues.

49. **Mr. Gurán** asked why the State party had not yet established a legal minimum age of marriage. He could not see any obstacles to doing so, as many other countries that recognized sharia had already established a minimum age of 18 years.

50. **Ms. Sandberg** asked whether perhaps there were two different types of guardianship being discussed. In its concluding observations, the Committee on the Elimination of Discrimination against Women had referred to *mehrem*, but the delegation had used a different word when discussing the issue. Even if *mehrem* was not legally prescribed, it was widely accepted and severely limited the legal capacity of women and girls.

51. **Mr. Al-Aiban** (Saudi Arabia) said that Saudi Arabia was a very large country with a wide range of cultural practices and traditions. Girls in villages and agricultural areas typically married at a much younger age than those who lived in cities, due to the very different lifestyle in rural versus urban areas. The issue of the age of marriage was therefore left to the courts to consider on a case-by-case basis. The best interests of the girl must be taken into account before the marriage could be approved by the courts. A large-scale study of the issue was currently under way.

52. **Mr. Bin Nouh** (Saudi Arabia) said that the concept of *mehrem* applied not only to a woman's father or brothers but to any of the woman's close male relatives. Any of them could serve as a chaperon to assist the woman, and she was free to ask any of them to perform those duties.

53. **Mr. Al-Aiban** (Saudi Arabia) said that, irrespective of *mehrem* guardianship, women still had the legal capacity to look after their own affairs. If a woman objected to a proposed marriage authorized by her father, she could submit a request to the courts asking for permission to exercise her freedom.

54. **Mr. Gurán** said that the State party's policies relating to the family included many discriminatory features. For example, a woman must obtain her husband's permission in order to acquire a passport or travel abroad. It was reported that, despite ministerial decrees to the contrary, airport security officers still demanded that women show written proof of

their father's permission for them to travel, making it impossible for female students to study abroad without their fathers' permission. The delegation should clarify that situation.

55. In the event of a divorce, the father was automatically granted legal custody of the children. He asked whether the State party would consider amending that provision to bring it into line with the Convention. He also asked whether any action was taken against abusive male guardians and whether children born out of wedlock enjoyed the same rights as other children. He wished to know the current status of the proposed legal amendment that would make it possible for women to obtain family identification cards.

56. Noting the many different kinds of alternative residential care in the State party, he asked what measures were being taken to transition from institutionalized care to more family-based care for children deprived of their family environment. He requested clarification about how *kafalah* was practised in Saudi Arabia, as it appeared from the State party's report that children sometimes left the *kafalah* system before reaching adulthood. Was it true that children of single mothers were treated as orphans and placed in orphanages?

57. **Mr. Cardona Llorens** said that, while the Saudi authorities had made many efforts with regard to disability issues, those efforts appeared to follow a paternalistic, protective approach rather than a rights-based approach. Most children with disabilities remained in segregated schools, particularly those with psychosocial disabilities and multiple disabilities. He therefore asked whether the Government was considering adopting a comprehensive policy on inclusive education that would combat stereotypes and prevent discrimination against children with disabilities.

58. In addition, he asked whether the State party was considering ratifying the Convention relating to the Status of Refugees, and he wished to know the number of children asylum seekers and the criteria they must meet to be granted refugee status. He also wished to know the minimum age for domestic labour and whether there were any oversight mechanisms in place to prevent child labour in domestic settings. He asked what measures had been adopted to address the concerns expressed by the Committee on the Elimination of Discrimination against Women about the persistence of trafficking and the economic and sexual exploitation and ill-treatment of young migrant girls employed as domestic servants.

59. The Committee was deeply concerned about reports that members of the military coalition led by Saudi Arabia were committing serious violations of the rights of children in Yemen by, inter alia, attacking schools and hospitals and using starvation as an instrument of war. There had also been reports of children being recruited by the Yemeni coalition that was supported by Saudi Arabia. He asked what action was being taken to investigate those complaints and to ensure that international humanitarian law was respected.

60. **Ms. Aho Assouma** asked what steps were being taken to reduce the high rate of infant mortality in Saudi Arabia. The fact that most health-care professionals were foreigners who did not speak Arabic acted as a barrier that prevented certain population groups, including children, from accessing health care. The delegation should describe its plans to address that problem. She would welcome information on any activities carried out to promote breastfeeding and to implement the International Code of Marketing of Breast-milk Substitutes. She asked what the State party was doing to reduce its carbon footprint, given that its high carbon emissions had a negative impact on children's future prospects.

61. Despite the fact that Saudi Arabia was a wealthy country, poverty was also present there. She wished to know whether the entire population was covered by the social security scheme and asked what measures were in place to ensure access to water, food, health care and decent housing for low-income families. She also asked what preconditions families must meet to access the benefits provided by the Takaful Foundation and how many families benefited from the Government's poverty reduction strategies.

62. She would appreciate further information on the rate of mother-to-child transmission of HIV and on any measures to support HIV-positive mothers and children, including in rural areas. She asked whether any support was provided to mothers in prison who were apparently separated from their children. Children in a street situation were often revictimized by being arrested for not possessing identification papers. The delegation should comment on that situation. Were there any programmes to benefit child beggars and street children as a whole?

63. Given that the sexual exploitation and abuse of children was fairly widespread, she asked whether health-care professionals received training on how to detect such abuse and treat the victims and whether a national register of cases of abuse and neglect had been set up within the health-care sector. She also asked why the State party did not publish statistical data with a view to combating the abuse and ill-treatment of children. It would be helpful to know more of programmes to prevent the exploitation of children, such as the trafficking of children into Saudi Arabia to work as camel jockeys and the selling of girls into sexual slavery.

64. **Ms. Sandberg** said that the Saudi authorities had made many efforts in the field of early childhood care and education, but asked what challenges still remained. She requested clarification as to whether education was compulsory. In view of the rapid population growth, she asked whether the construction of new schools was sufficient to keep up with the growing demand for education. She also asked why girls were required to have their fathers' permission to attend school. Noting that women in higher education were only allowed to study a limited number of subjects, she asked how the State party justified that restriction and how it planned to improve the situation. She wished to know whether the Government planned to make physical education mandatory for girls in school.

65. She asked whether, in school textbooks, women were portrayed working in a variety of different fields. The regulation that made it mandatory to teach Sunni Islam religious instruction in both public and private schools was not in line with children's freedom of religion. The delegation should comment on that situation.

66. **Mr. Rodríguez Reyes** asked what mechanisms were in place to prevent the torture and ill-treatment of children in conflict with the law at the time of their arrest. He also asked whether those children were able to challenge the legality of their deprivation of liberty before a competent authority. The delegation should comment on the power of the Ministry of Interior to place minors in indefinite detention.

67. He asked what progress had been made towards establishing a better regulatory system that would curb law enforcement and judicial officials' discretionary powers in interpreting and applying the law. He also asked whether any action was being taken to raise the age of criminal responsibility to an internationally acceptable standard and to ensure that all children were provided with qualified legal assistance in any legal proceedings involving them. He was concerned about the fact that children could be released from detention only under the custody of their guardian and that mothers could not exercise guardianship. He asked how the Government ensured that all children were separated from adults in places of detention and that they could remain in contact with their families. Lastly, he asked what steps were being taken to prohibit the handing down of the death penalty to persons who had been under 18 years of age at the time of the offence.

The meeting rose at 6 p.m.

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Seventy-third session

Summary record of the 2145th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 September 2016, at 10 a.m.

Chair: Mr. Mezmur

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Consideration of reports of States parties (*continued*)

Third and fourth combined periodic reports of Saudi Arabia

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Third and fourth combined periodic reports of Saudi Arabia (CRC/C/SAU/3-4; CRC/C/SAU/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Al-Aiban** (Saudi Arabia) said that, although the Committee members had raised a number of genuine concerns relating to the situation of children in the State party, the information on which they had based their questions was not necessarily reliable. The Committee members were welcome to visit Saudi Arabia to verify the conditions prevailing in the country.

3. In the light of the various resolutions of the Security Council of the United Nations relating to the situation in Yemen, the escalation of the conflict in that country by the Houthi rebels and the consequent threat to regional peace and security, and in response to a request by the legitimate President of Yemen, who had been ousted by the Houthi rebels, the Saudi Arabia-led coalition had intervened in the country in order to restore order. The coalition fully respected the rights of the child and international humanitarian and human rights law when planning military operations; it did its utmost to limit the impact of its actions on civilians and had adopted strict rules of engagement, which included, among other things, the study, identification and verification of potential military targets to ensure minimal error and to avoid bombing places of worship and locations where civilians gathered. The offices of international organizations and NGOs and historical sites had been placed on a regularly updated list of protected locations, which had been disseminated to all coalition forces. Advice was sought from experts in international humanitarian law when selecting military targets. Prior to carrying out air strikes, the coalition dropped leaflets warning the civilian population in the target areas of imminent action.

4. An independent expert group had been set up to investigate allegations of attacks on civilian sites and had released its findings to the international media. The Saudi Arabia-led coalition had been removed from the section on parties in Yemen of Annex I of the 2016 annual report of the Secretary-General of the United Nations on children and armed conflict. A humanitarian assistance and evacuation unit had been set up to carry out humanitarian operations in Yemen and to liaise with international and governmental bodies in that regard. The unit had restored medical services disrupted by the forces opposing the legitimate President of Yemen. The coalition and the legitimate Government of Yemen kept in touch with all international humanitarian organizations operating in Yemen to ensure that aid workers were not caught up in military actions.

5. Through the King Salman Humanitarian Aid and Relief Centre, Saudi Arabia provided financial assistance, food and health care, education and psychological rehabilitation services to around 4 million Yemeni children. The Centre had donated US$ 29.6 million to the United Nations Children's Fund (UNICEF), to pay for vaccination campaigns, the provision of clean water and assistance for pregnant women in Yemen, and US$ 145.4 million to the World Food Programme (WFP), to assist 2 million beneficiaries in Yemen, including 1.3 million children. In addition, the Centre assisted persons across Yemen, regardless of whether they lived in rebel or government-controlled areas; it had also provided funding for the vaccination of 3.8 million women and 3.4 million minors under the age of 18 years and had donated US$ 5.8 million to the Food and Agriculture Organization (FAO) to assist women and children, around US$ 42 million to Djibouti and Somalia and US$ 2.5 million to the United Nations Development Programme (UNDP) for

projects targeting children. Over US$ 1.6 billion had been spent on providing free education for more than 285,000 Yemeni schoolchildren resident in Saudi Arabia.

6. Slavery had been abolished in Saudi Arabia and Ms. Aho Assouma's assertions in that regard were incorrect. Any person practising slavery faced severe penalties. Perpetrators of offences of trafficking in persons could be imprisoned for up to 15 years and fined 1 million Saudi Arabian riyals, with that sum being increased to 10 million Saudi Arabian riyals in the case of companies carrying out trafficking in persons. Saudi Arabia was party to a wide range of international human rights instruments, including the Slavery Convention, the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

7. As to the alleged mistreatment of domestic workers, visas were no longer issued to women under the age of 21 years wishing to engage in domestic work in the State party. An independent agency set up within the Ministry of Social Affairs was responsible for ensuring the welfare of domestic workers and the payment of their wages was covered by stringent regulations. All government ministries had put in place safeguards against trafficking in persons and made provision for financial, medical and psychological assistance for victims of that offence. As far as the position of Saudi Arabia regarding the 1951 Convention relating to the Status of Refugees was concerned, the national authorities were continuously reviewing and assessing all human rights instruments.

8. Saudi Arabia occupied third place in the global rankings of humanitarian assistance donors, provided support to over 95 Muslim and non-Muslim developing countries worldwide. It had donated US$ 139 billion in development assistance over the past four decades, far exceeding the United Nations Millennium Project target of 0.7 per cent of gross national product (GNP) in that regard, and would donate an additional US$ 75 million to efforts to assist refugees. In addition, Saudi Arabia was one of the main donors to the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross and had, on occasions, provided up to US$ 80 million in extrabudgetary contributions for United Nations development work. The State party also supported UNICEF crisis-response work, in particular with regard to Pakistan and Palestine, and had provided an additional US$ 500,000 to the Fund since 2007. Saudi Arabia had contributed US$ 20 million to the Emergency Fund of the United Nations Educational, Scientific and Cultural Organization (UNESCO), US$ 5 million to a UNESCO-run programme promoting dialogue and US$ 37 million to a number of other development programmes.

9. Donations were carefully monitored to ensure that they were not used improperly. The national authorities were closely following developments at the international level with regard to the fight against the online sexual exploitation of children and child pornography and intended to launch a campaign and host a conference on that theme in the near future.

10. Saudi Arabia not only played host to child refugees and their families but also supported refugee-assistance programmes in other countries. A number of nationals of Myanmar had been granted Saudi Arabian residency permits and enjoyed access to free education and medical services and job opportunities. The Government encouraged local employers to recruit nationals of Myanmar and to afford them equal treatment. Over 200,000 persons benefited from those measures and Saudi Arabia had been congratulated on its efforts in that regard by UNHCR. Since the beginning of the crisis in Syria, more than 2.5 million Syrian refugees had entered Saudi Arabia. Those who had remained had been issued work and residency permits and enjoyed freedom of movement and access to free education and medical services. In total, 141,000 Syrian students were currently studying in the State party at all levels of the education system. Working in conjunction

with a large number of international organizations, the national authorities had put in place social reinsertion programmes for child refugees.

11. The Government was equally generous in its treatment of Saudi Arabian children and had sought to tackle the causes and consequences of poverty through a series of national social development strategies based on respect for human rights, sustainable development and non-discrimination. The General Directorate of Statistics carried out studies in order to link national policies on education, development and the eradication of poverty. A number of measures had been taken to create economic opportunities for youth, in particular the preparation of the "Vision 2030" project. A national development programme had been launched to combat and eradicate poverty and to identify and assist groups of economically disadvantaged persons.

12. **Mr. Almdimegh** (Saudi Arabia) said that a number of national plans and strategies had been implemented as a matter of urgency to tackle poverty, raise the incomes of poor families and individuals and complement existing government programmes. Services for persons with disabilities had been strengthened, as had foster and alternative care programmes. In total, 1.2 billion Saudi Arabian riyals had been set aside for social programmes and social security spending had been increased. Programmes offering assistance relating to school uniforms and utility bills had been launched. A minimum wage had been introduced for all employees.

13. **Ms. Alosaimi** (Saudi Arabia) said that UNICEF had praised Saudi Arabian efforts to improve child health, provide significant funding in that regard, prevent the spread of communicable diseases and initiate a national dialogue on the issue of AIDS. The infant mortality rate had been cut in the State party. Compulsory vaccination programmes covered nearly 100 per cent of children. Polio had been eliminated in Saudi Arabia. The World Health Organization (WHO) had singled out the State party as being one of the countries with the lowest AIDS prevalence rates, in particular among minors under 15 years of age. A centre providing care, treatment, prevention, awareness-raising and counselling services relating to AIDS had been set up as a part of efforts to achieve the Millennium Development Goals (MDGs). Campaigns highlighting safe sex and the prevention of mother-to-child transmission of HIV had been run. Voluntary screening for HIV/AIDS was available. All cases of ill-treatment of children were registered in the national medical records.

14. Pursuant to the Child Protection Act, the birth of a child must be registered. Every child had the right to a name and the name must not humiliate the child or violate the principles of Islam. A time frame of 15 days was allowed in which to register the child's birth or 30 days for those children born at a distance of 50 kilometres or more from the closest birth registry office. A fine was imposed if the parents did not register their child's birth within the allotted time frame.

15. The Government was taking steps to promote the practice of breastfeeding. Twenty-nine hospitals had been certified as child-friendly. In accordance with a ministerial decree, a programme had been approved to prohibit the promotion of milk supplements in public institutions. National campaigns had also been launched to encourage breastfeeding.

16. **Mr. Alotaibi** (Saudi Arabia) said that legislative and executive positive discrimination measures were in place in order to protect the rights of children with disabilities. Such measures aimed to ensure equality of opportunity and the integration of such children within society. Periodic stipends were provided for persons with disabilities and for families that fostered children with disabilities, for whom visual and auditory aids, prosthetic devices and any necessary medical equipment were made available. Transport fees were also considerably subsidized for such persons. Pursuant to a government decision of 2010, the State paid for the issuance and renewal of residence permits for non-nationals

with disabilities. Awareness-raising programmes had been launched with the cooperation of a number of government ministries in order to eliminate negative stereotypes and the stigmatization of persons with disabilities. Moreover, national programmes had been developed to assist children with attention deficit hyperactivity disorder and children with autism.

17. **Mr. Rodríguez Reyes** (Country Task Force) said that he had noted that 29 hospitals had been certified as excellent in terms of child care. He wondered what proportion that constituted out of the total number of hospitals in the State party.

18. **Ms. Sandberg** (Country Task Force) said that she would like to know how the State party promoted birth registration for parents who had missed the deadline. She noted that imposing a fine on such parents would not encourage them to come forward to register the birth of their child. She would also appreciate information on the challenges that the delegation had encountered when implementing inclusive education policies for children with disabilities in schools.

19. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that, having read the State party's law governing domestic workers, he had not found any reference to an age limit. He asked whether it was in fact prohibited for persons under a specific age to be employed as domestic workers and, if such rules were violated, what punishment would be imposed upon the perpetrator. He also wished to know whether non-national women in domestic service in Saudi Arabia were allowed to return to their home country to visit their children.

20. **Ms. Aho Assouma** (Country Task Force) said that she would appreciate more information on children working as jockeys in camel races. With regard to pregnancy, she asked whether pregnant women were permitted to attend medical consultations alone or whether they required authorization from their husband in order to do so. Was it true that doubts were cast on the unborn child's paternity if the father did not attend the medical consultation? She would like to know whether the State party intended to waive the fine imposed on parents for the late registration of their child's birth, whether abortion was permissible in cases of rape or incest, whether there had been any cases registered of obstetric fistula, what measures were in place to support girls who had fallen pregnant at a young age, what was being done to protect the rights of Bidoun who were considered stateless under the Citizenship Act, and what steps were being taken to tackle obesity. Obesity was a particular concern for girls who were not allowed to engage in sport or physical activity. She wondered whether the State party had any nutrition programmes in place in order to address the growing health issue.

21. **Mr. Al-Aiban** (Saudi Arabia) said that he would like to know the source of information claiming that a mother would lose her right to custody of her unborn child if she went to a medical screening alone while pregnant. No law could deprive a mother of such rights.

22. **Ms. Alosaimi** (Saudi Arabia) said that the certification of child-friendly hospitals was part of an international programme that trained medical professionals in paediatric care and important issues pertaining to infant health, such as breastfeeding. In order for a hospital to be certified as child-friendly, a number of criteria had to be met.

23. A central unit had been established within the Ministry of Health to address the problem of HIV/AIDS and to improve awareness of the disease among the general public. With regard to pregnancy, the father of an unborn child was not required to be present at the medical screening of a pregnant woman. Saudi Arabia was fully aware of its obesity issue and the Government had established a number of centres focusing on the promotion of health education and awareness of the dangers of obesity.

24. **Mr. Almdimegh** (Saudi Arabia) said that 30 centres had been set up to support children born out of wedlock and that laws were in place to provide for their care. The Ministry of Social Affairs offered financial assistance to NGOs working to protect such children. With regard to the nationality of children born out of wedlock, under the Citizenship Act, the Supreme Court ruled on a case by case basis. If the Saudi father of the child submitted proof of paternity, Saudi nationality was granted to the child.

25. Incarcerated pregnant women were provided with specialist medical care both during and after their pregnancy. After birth, the child was able to remain with his or her mother in certain quarters of the prison, taking into consideration the best interests of the child. Female prisoners were well separated from male prisoners. Mothers who gave birth to children while in prison were able to keep their children in their care throughout their lives. Rehabilitation centres had been established for such women.

26. Legislative measures had been taken to combat begging. Centres provided shelter and psychological care to beggars under the age of 18 years. The exploitation of children for the purpose of begging was considered a form of human trafficking and could be sanctioned by a prison sentence of up to 15 years.

27. **Mr. Al-Aiban** (Saudi Arabia) said that whether a foreign domestic worker was allowed to return to his or her country of origin for a given amount of time was dependent on the contract signed with his or her employer. Bilateral agreements also existed between countries sending domestic workers and those receiving domestic workers. According to the law, leave of one month was mandatory for domestic workers. Foreign domestic workers could return to their home country in that period subject to the provisions of their contracts. If employers prematurely terminated the contract of a domestic worker, they would be obliged to pay for the foreign worker's return to his or her country of origin. If disputes arose between domestic workers and their employers, the former were able to register their complaint before dispute resolution committees.

28. The imposition of fines was used as a means of awareness-raising. For instance, families that did not enrol their children into schools were fined because penalties needed to be imposed in cases where parents neglected their duties towards their children.

29. **Mr. Bin Nouh** (Saudi Arabia) said that juvenile defendants were guaranteed due process. The death penalty was confined to very extreme cases and could not be handed down until the case had been duly considered. The case first came before three judges in the first instance court. If the defendant was sentenced to death, the case was transferred to the court of appeal, where it was considered by five judges. The court of cassation would then review the result. If the ruling had not been changed at any stage of the process, the death penalty would be confirmed.

30. The appropriate treatment of juvenile offenders was guaranteed by law. Upon arrest, a child would be detained in a centre for juvenile offenders, which was affiliated to the Ministry of Social Affairs. All necessary medical and psychological assessments would be conducted and a full report would be handed to the juvenile court judge. The investigation would be conducted in the presence of the child's social worker.

31. Children were placed in the custody of their mothers until they were 7 years old. Requests for custody, visitation rights or alimony must be addressed within 24 hours and women could lodge requests at the nearest court. The Ministry of Justice had established a fund that made alimony payments for children whose fathers had failed to appear at court. Mothers were not restricted in their interactions with government agencies, and there were many female lawyers available, thanks to an agreement between the Ministry of Justice and the universities that admitted female law students.

32. **Mr. Alzouman** (Saudi Arabia) said that investigations into acts of violence were undertaken by a committee, and prosecutors could launch proceedings even if the victim did not lodge a complaint. The investigating committee could request more severe sanctions than those set out in the Criminal Code, which were a minimum of 2 months' imprisonment, a fine of 50,000 riyals, or both. Those sentences could be doubled for repeat offenders. Many cases of sexual abuse had been investigated, and between 2008 and 2016, at least 600 cases of attacks on children had been dealt with.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

33. **Mr. Cardona Llorens** asked how many children with disabilities received inclusive education, how many received specialist education and how children with intellectual disabilities were segregated. He asked what the minimum age for criminal sanctions for boys and girls was and requested clarification of the "appropriate" sanctions for crimes against children provided for by the Child Protection Act.

34. **Mr. Rodríguez Reyes** asked whether the death penalty was applied to minors or those who had been minors when they had committed their crime and what steps could be taken to avoid the prisoners on the list communicated to the delegation by the Committee the previous day being put to death.

35. **Ms. Aho Assouma** asked who decided which "appropriate" sanctions were applied to the perpetrators of crimes against children and how incest and sexual abuse within the family were punished. She requested statistics on those crimes.

36. **Ms. Sandberg** asked how many children had lodged complaints of violence in person, how many had done so through family members, how many investigations into those complaints had been opened and completed, how many court proceedings had been launched and how many convictions had been secured.

37. **Mr. Alotaibi** (Saudi Arabia) said that the Government had established a committee that coordinated all the bodies providing services to persons with disabilities. That committee comprised government agencies, associations of persons with disabilities, private sector representatives and civil society organizations.

38. **Mr. Bin Nouh** (Saudi Arabia) said that the death penalty was handed down only when a crime had been committed by an adult and when certain conditions had been fulfilled. Adults who had committed crimes as children were never sentenced to death. The facts pertaining to cases were verified at all levels of the judicial system before the death penalty was carried out.

39. **Ms. Sandberg** asked whether adults were defined as those older than 18; the Committee understood that the State party used a definition based on physical characteristics.

40. **The Chair** asked whether the State party believed that the persons included on the list had been aged 18 years or more when they had committed their crimes and how a person's age at the time of a crime was determined.

41. **Mr. Al-Aiban** (Saudi Arabia) said that a national committee had been convened to establish the facts surrounding the cases involving the individuals on the list and had cooperated with United Nations mechanisms in that regard. The normal standards and criteria applied to those cases. Those over the age of criminal liability, which was always 18, who committed *Qisas* offences were punished under sharia law, and pardons could only be granted by the victim's next of kin.

42. **Mr. Alzouman** (Saudi Arabia) said that children were prohibited from participating in dangerous entertainment or sports activities, such as camel races, and legal action could

be taken against those who employed children for such activities, which were supervised by committees.

43. **Ms. Alotaibi** (Saudi Arabia) said that while a 24-hour telephone line existed, the child helpline was operational for 16 hours every day. The line was part of the National Family Safety Programme, which created safe family environments through support, prevention, community awareness-raising and cooperation with the Government, NGOs and international organizations. The helpline allowed all children, regardless of nationality, to express their views, lodge complaints or obtain advice. It communicated complaints of abuse to the competent authorities in line with confidentiality regulations.

44. Furthermore, there was another telephone line that provided counselling through female psychosocial experts who had received training on the Convention; 21 per cent of its calls related to violence. Medical abuse was dealt with by multidisciplinary teams, and between 2011 and 2016 more than 1,500 cases had been detected and referred to the prosecutor.

45. **Mr. Alalmaey** (Saudi Arabia) said that all children, regardless of gender, were entitled to free education, and parents who prevented their children from attending school were deemed to have committed abuse and could be prosecuted. Education was mandatory for children aged between 6 and 15, whether they were citizens of Saudi Arabia or not, and children could enrol in schools even without identity documents. The Ministry of Education combated dropout at all levels of education. There were also opportunities for male and female students to study abroad.

46. Educational opportunities were provided for persons with disabilities through a range of policies and programmes. Services were provided to children with disabilities who lived far from the main specialist education centres. There was also a programme that integrated children with disabilities into mainstream schools, along with specialized curricula. Education facilities were physically accessible and the State provided free prosthetics, books in Braille and other assistive devices. Schools employed teachers who had received training in education for persons with disabilities, and accommodation was provided for those without suitable education establishments near their homes. All children with disabilities received a monthly stipend, along with psychological and medical assessments and other services.

47. **Mr. Bin Nouh** (Saudi Arabia) said that there were severe punishments for sexual abuse under sharia law, which viewed the abuse of a child as an aggravating circumstance. The Child Protection Act also provided for fines and imprisonment for such acts.

48. **Mr. Al-Aiban** (Saudi Arabia) said that while there was no dress code in the State party, women must be dressed decently in public, a requirement that was in line with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Declaration on Cultural Diversity.

49. **Mr. Alghamadi** (Saudi Arabia) said that domestic legislation provided for freedom of expression for all, and children had been involved in drawing up the National Strategy for Children. Other efforts in that area included interactive education to strengthen children's critical thinking skills, as well as activities organized by the King Abdulaziz Centre for National Dialogue, which advised government departments on the matter. Children had opportunities to improve their skills with the aid of special magazines and radio and television programmes.

50. **Mr. Al-Aiban** (Saudi Arabia) said that Saudi Arabia had been involved in efforts to promote cultural tolerance among children both domestically and abroad.

51. **Mr. Aldakkan** (Saudi Arabia) said that there were no religious minorities to discriminate against in Saudi Arabia. The Government promoted a moderate version of

Islam, and imams and schoolteachers were encouraged to reject intolerance. The school dress code imposed by the Government applied only to Saudi students at public schools; non-Saudi students at private schools were not subject to it.

52. **Mr. Almubark** (Saudi Arabia) said that as a result of the generous provisions of the Saudi Citizenship Act, there was no statelessness in Saudi Arabia.

53. **Mr. Alghorri** (Saudi Arabia) said that non-Saudi children had the same rights as their Saudi peers. Under Saudi labour law, employers with more than 50 employees were required to set up day-care centres. In addition, women could not be employed for six weeks after giving birth.

54. **Ms. Alturki** (Saudi Arabia) said that the National Human Rights Commission had organized numerous human rights training courses or seminars for judges, prosecutors and other relevant officials. Academic conferences and seminars had been held as part of the Family Safety Programme, and the officials from the judiciary and the Ministry of the Interior had received special training on how to deal with cases of violence against children. More than 3,500 teachers had taken part in courses on recognizing the early signs of child abuse.

55. Cooperation with civil society involved in the development of human rights programmes was extensive. NGOs had taken part, for example, in the drafting of the reports produced in advance of the universal periodic review. The National Society for Human Rights produced reports describing a number of human rights violations. In general, it was in an attempt to strengthen the non-governmental sector that NGOs were regulated.

56. **Ms. Al Saleh** (Saudi Arabia) said that all relevant Saudi legislation, including that governing the child protection system, was regularly reviewed to ensure that it incorporated the principle of the best interests of the child. In all matters concerning children, their best interests were a primary consideration.

57. **Mr. Cardona Llorens** said that the Committee would welcome answers to a number of questions that had been posed earlier. It would be interesting to know more, for example, about the budgets for programmes focusing on children, about the efforts made to collect data specifically relating to children and about a number of specific cases involving the detention of NGO personnel devoted to the defence of girls' rights. Other questions that had not been fully addressed included those about the determination of the penalties for crimes against children and the fate of institutionalized children, especially girls, after they reached the age of 12. Did they continue going to school?

58. **Ms. Sandberg** wondered whether she had understood correctly that children aged 15 or older could be given sentences that involved stoning, flogging or amputation. She also wondered how the authorities ensured that children under 18 were not tortured.

59. **Mr. Guráň** (Country Task Force) said that he would welcome information about the efforts made by the State party to take children out of residential institutions and place them in family environments. He would also welcome a comment from the delegation on the status of the National Human Rights Commission. Was it fully in line with the Paris Principles?

60. **Mr. Al-Aiban** (Saudi Arabia) said that the National Human Rights Commission was fully independent. The regulations governing its operations had been amended to ensure that it reported directly to the King. The State encouraged civil society to monitor the human rights situation in the country and report any violations committed by public officials.

61. **Mr. Almdimegh** (Saudi Arabia) said that children who were deprived of a family environment were entitled to alternative care provided either by foster families or social

welfare institutions. Children were placed in institutions only as a last resort. Even in institutions, however, efforts were made to recreate a family or community environment. Children placed in institutions were entitled to educational services on an equal basis with other children.

62. **Mr. Al-Aiban** (Saudi Arabia) said that the boys and girls under the protection of the social services were encouraged to pursue their education as far as possible. They were even entitled to full scholarships to pursue higher education abroad. Female guides and social workers prepared girls for practical and married life.

63. **Mr. Alzouman** (Saudi Arabia) said that the provisions of Saudi law stipulated that children were not to be subjected to physical or psychological torture. Torture had been penalized since the unification of Saudi Arabia. The specific penalties were laid out in Royal Decree No. 43.

64. Juveniles in conflict with the law were accorded special treatment. By law, for instance, they were not to be held in institutions other than those specifically designed for them, where they had access to social workers. Their cases were dealt with by juvenile judges. All persons involved in handling such cases, including the police, were required to wear civilian clothes while on duty, and under no circumstances were minors to be handcuffed. Detained minors were examined by doctors, and a full report on their psychological condition was to be submitted to the court before trial.

65. **Mr. Cardona Llorens**, stressing that the Committee was concerned solely about the implementation of the provisions of the Convention, said that dialogues with delegations of States parties were not always easy, as the delegations generally wished to highlight their achievements, while Committee members were keen to use the limited time available to them to focus on areas that needed improvement. It was clear that matters had improved in Saudi Arabia, but as Committee members prepared the recommendations that they would make to the State party, they would inevitably wonder whether the authorities' attempts to protect girls in particular were not excessive. Children were not just objects to be protected, and donations to children's organizations, while welcome, were not sufficient. Children were full citizens, and their rights should be promoted.

66. **Mr. Al-Aiban** (Saudi Arabia) said that the King of Saudi Arabia had set the tone for the considerable efforts made by the country to protect and promote children's rights. He assured Committee members that their recommendations would be acted upon.

67. **The Chair** said that additional responses to questions that had not been fully answered, submitted in writing within 48 hours, would enable the Committee to make more detailed recommendations.

The meeting rose at 1.05 p.m.

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Summary record of the 2146th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 September 2016, at 3 p.m.

Chair: Mr. Mezmur

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Combined third and fourth periodic reports of Suriname

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Suriname (CRC/C/SUR/3-4; CRC/C/SUR/Q/3-4)

1. *At the invitation of the Chair, the delegation of Suriname took places at the Committee table.*

2. **Ms. Dogojo** (Suriname), introducing her country's combined third and fourth periodic reports (CRC/C/SUR/3-4), said that, since the consideration of the country's previous periodic report, a Presidential Task Force had been established to maintain coherence between various policies and priorities concerning children. The Presidential Task Force had a mandate to formulate long-term policies, draft action plans, monitor the implementation of the Integral Child and Youth Policy and its related programme of action for the period 2012-2016 and advise the President on any interventions necessary in that regard. The primary aim of the Policy was to guarantee all children living in Suriname optimal protection and opportunities for development so that they could participate fully in an increasingly globalized world. The Policy's areas of focus included early childhood development, vulnerable children, combating violence and opportunities for development. It also paid special attention to gender-related issues and the social inequalities affecting children. A different government ministry was responsible for coordinating activities under each area of focus. The Presidential Task Force and the responsible ministries cooperated closely in monitoring the implementation of the Policy.

3. The Ministry of Sport and Youth Affairs had been established in 2010 to ensure that due consideration was given to the rights of adolescents in policy implementation. The Ministry was responsible for, inter alia, creating extracurricular opportunities for children and adolescents and facilitating their participation in formulating and monitoring the implementation of the Integral Child and Youth Policy.

4. The youth parliament, which was elected every three years by children and young people aged between 12 and 25, served to foster children and young people's participation in child and youth policy development. In addition, the yearly national youth congress provided children and young people with an opportunity to discuss issues arising from the implementation of the Integral Child and Youth Policy with government representatives.

5. The second National Action Plan for Children for the period 2009-2014 had been evaluated upon its conclusion. The Ministry of Social Affairs and Public Housing was in the process of formulating an action plan on child protection for the period 2017-2022, which would focus on vulnerable children, including children with disabilities.

6. Noteworthy legislative advances included the adoption of legislation on a child's right to be heard, the adoption of amendments to the section of the Penal Code dealing with sexual abuse and exploitation, the adoption of the Domestic Violence Act, the passing of a bill on stalking and a decree on young persons and hazardous work, the adoption of the Law on Care Institutions and the adoption of an amendment to the law on Nationality and Residence in 2014. Furthermore, a bill to set the minimum and maximum age for compulsory education at 4 and 16 years, respectively, was currently before the Council of Ministers, which, if approved, would serve to harmonize the maximum age for compulsory education with the minimum legal age for employment.

7. Now that the necessary amendments had been made to the Penal Code, the Government could begin preparing its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Government had also taken steps towards ratifying the International

Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138). The Council of State had approved the necessary legislation and submitted it to Parliament for approval.

8. The adoption of a law on care institutions and the creation of the Care Institution Bureau had led to a number of advances in the administration of children's care institutions, including the development of quality standards for care and residential institutions, the setting up of supervisory boards to advise the Minister for Social Affairs and Public Housing and the preparation of initiatives for transferring children from residential institutions to a family setting. The Minister for Social Affairs and Public Housing was empowered to close institutions that failed to comply with the aforementioned quality standards. Although no records had been kept on the number of children living in care institutions prior to 2014, there were estimated to be between 2,000 and 3,000 children living in such institutions. However, there had been a significant decrease in the number of children entering care institutions following the entry into force of the law on care institutions.

9. The Government, in cooperation with the United Nations Children's Fund (UNICEF), planned to conduct a study for the purpose of gaining a better understanding of the situation of children with disabilities in Suriname and of designing programmes and interventions underpinned by up-to-date disaggregated information that would guarantee the protection of their rights. In most cases, services for children with disabilities were provided by civil society organizations with the financial and technical support of the Ministry of Social Affairs and Public Housing.

10. A number of measures had been taken to guarantee children living in all regions of the country access to education, such as providing school transportation. Regrettably, the considerable investments made to improve the country's infrastructure, particularly in rural and inland areas had proven to be insufficient. The unequal access of the Maroon and indigenous peoples to education and other services could be explained by the fact that they lived in isolated areas in the interior of the country. The Government had undertaken a project to expand schools and classrooms in the capital and other districts and was working with the private sector to review the content of vocational training, including for children with disabilities. The Government also planned to open more special education schools and was in the process of making existing schools more accessible to persons with disabilities.

11. In recent years, important strides had been made towards modernizing the national data collection system, such as the computerization of databases and the installation of surveillance systems in certain sectors. However, despite the progress achieved in that area, ensuring the availability of appropriate qualitative and quantitative disaggregated data remained a challenge. When such data were available, they were not always consistently monitored, analysed or used to inform policy development and implementation.

12. Suriname was suffering from the impact of the declining prices of international commodities, in particular from the extractive industries, and the subsequent dearth of resources with which to meet its development objectives. In the face of that situation, the Government had adopted a recovery and stabilization programme with the financial support of the International Monetary Fund (IMF) with the aim of securing sustainable growth and improving the well-being of the population, including children and young people. The recovery and stabilization programme included a conditional cash transfer initiative known as the Programme for the Development of Welfare and Labour, the aim of which was to improve the financial situation of poor households.

13. **Mr. Rodríguez Reyes** (Country Rapporteur) asked when the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and what progress had been made towards adopting the law on the reception and registration of adopted children, the bill on

emergency care for children, the bill on maternity leave and the bill amending the Civil Code. The delegation should also provide additional information on the objectives of and the human, financial and technical resources allocated to the action plan on child protection for the period 2017-2022.

14. He asked whether the State party judged there to be adequate coordination between the Child Rights Bureau, which was responsible for coordinating and monitoring the implementation of the Convention, and the Presidential Task Force and government ministries responsible for monitoring the implementation of the Integral Child and Youth Policy and, if not, how it planned to remedy that situation. The delegation should also indicate whether there were plans to allocate more human resources to the Child Rights Bureau and whether the staff of the Bureau received ongoing training.

15. He asked whether the State party had taken any steps towards establishing an independent body to monitor the implementation of the Convention and to receive and investigate complaints submitted by and on behalf of children on violations of their rights that complied with the Paris Principles. It would also be useful to know which body was responsible for collating and processing proposals received from civil society organizations and how often the body in question met with such organizations.

16. The Committee had received reports that children belonging to indigenous and minority groups, including Maroon children, and the children of Haitian migrants often encountered discrimination when attempting to access education and health-care services. He invited the delegation to comment on the veracity of those reports and to describe the strategies that were in place to protect children and adolescents with diverse sexual orientations and who had contracted HIV and/or AIDS against discrimination and violations of their rights. He asked whether the State party had devised guidelines to assist public officials in applying the principle of respect for the best interests of the child and whether that principle was systematically applied by judges when issuing rulings.

17. Notwithstanding the significant improvements made to the national birth registration system in Suriname, the Committee remained concerned that the parents of children born in inland or rural areas and parents who were foreign nationals and/or migrant workers still faced obstacles in registering their children's birth and in obtaining a birth certificate. He asked what measures the State party had adopted to guarantee the parents of those children access to birth registration services and whether there was a special procedure for registering the birth of children born to foreign nationals and/or migrant workers, including those in an irregular situation.

18. The Committee was concerned that the obligation for children to conduct an electoral campaign in order to be elected to the youth parliament precluded children from disadvantaged backgrounds from standing for election. He wished to know how the State party ensured that disadvantaged children and children belonging to vulnerable groups had the opportunity to participate in that forum and how it prevented political parties from manipulating children's electoral campaigns to promote their own agenda. From what age could children participate in the youth parliament? Had the State party considered providing the youth parliament with its own budget so as to guarantee its independence?

19. The delegation should also describe the measures in place to protect children against torture and ill-treatment. He asked whether the State party planned to establish an oversight body responsible for ensuring that children held in pretrial detention were not subjected to torture or ill-treatment. He enquired as to whether the State party planned to extend the prohibition of corporal punishment in schools to cover all other settings in which it was still permitted and whether any campaigns had been undertaken to educate parents and teachers in all regions of the country about the negative impact of corporal punishment.

20. **The Chair** (Country Rapporteur) said that there was still a disparity in the minimum legal age for marriage, which stood at 15 years for girls and 17 years for boys. He asked when the amendments to the Marriage Act, which he understood would remove that disparity, would be adopted and until what age a child wishing to marry had to obtain parental consent. Moreover, the Committee was concerned by the reported persistence in the interior of the country of the erroneous belief that childhood ended with the onset of puberty. He asked what action had been taken to correct that misconception.

21. The delegation should also indicate whether the establishment of local civil registry offices had led to an increase in birth registration and whether the State party planned to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. He would also appreciate an update on the progress made in setting up the Child Ombuds Bureau as the independent body responsible for monitoring the implementation of the Convention and receiving and investigating complaints submitted by or on behalf of children. He asked whether there were plans to allocate additional staff to the hotline for reporting child abuse, which was currently run by volunteers, and to make it compulsory for professionals working with children to report child abuse.

22. **Ms. Ayoubi Idrissi** asked whether the Government was planning to introduce educational programmes on children's rights into the school curriculum or to provide the youth parliament with the appropriate resources to ensure the dissemination of the Convention. She also asked how the Government intended to raise awareness of the bill on hearing children in judicial procedures. Noting that the slump in commodity prices was affecting the budget for development and human rights issues, she wondered if Suriname was taking any measures to combat corruption within the Government in order to make more resources available.

23. **Mr. Cardona Llorens**, referring to the issues surrounding resource allocation mentioned in paragraph 33 of the State party's report, asked whether any measures had been taken as a result of the findings of the study on spending on public education. The delegation should indicate whether the Government had improved budgeting or identified how resources were being spent on other public services and also describe the measures taken to ensure the sustainability of public spending on children's issues.

24. Noting that the Government lacked data on child indicators because childcare institutions were not legally obliged to submit such data, he wished to know whether any legislation on childcare institutions had been adopted making the submission of such data mandatory. Lastly, the Committee would welcome information on any legislation or policies in place to minimize the adverse effects of pollution on the health of children living in mining areas.

25. **Mr. Nelson** asked what measures were being adopted to tackle the high rates of incest and sexual abuse and whether there had been any prosecutions or convictions relating to those offences. He also asked whether the Government was conducting any campaigns to raise awareness about incest and sexual abuse; whether social workers, law enforcement officials and prosecutors received training on how to handle cases of sexual abuse; and whether the police had a special unit that dealt specifically with sexual abuse. Since there was only one shelter for sexually abused children in Suriname due to a lack of funding, he asked whether more shelters would be opened in the future and whether the Government had appealed to NGOs, international organizations or private entities for additional funding.

26. **Ms. Aho Assouma** said that the delegation should explain the discrepancies between birth registration in urban and rural areas. She observed that at least 3,000 people in Suriname had not been issued with birth certificates and asked what measures the Government was taking to enable those people to obtain them. Was there a deadline for

birth registration and, if so, how could persons who had missed the deadline apply for a birth certificate? Would they have to pay a fine?

27. **Ms. Oviedo Fierro**, noting that Suriname had implemented a recovery and stabilization programme as a result of the economic recession, said that IMF policies were usually based on large-scale macroeconomic indicators and did not take into account the lives of individuals. She therefore asked whether the Government had earmarked funding for services affecting children and adolescents. While she welcomed initiatives such as the youth parliament, she wondered whether the Government was also promoting the participation of young people in decision-making bodies for schools, neighbourhoods and even health services.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

28. **Ms. Dogojo** (Suriname) said that an anti-corruption bill was before parliament. Persons under the age of 18 could not be recruited for the national armed forces, and Suriname was planning to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

29. **Ms. Ferrier** (Suriname) said that birth registration in Suriname was above 90 per cent. Legislation had been amended in 2014 so that all children born in Suriname, including children of migrants, could obtain Surinamese nationality. Moreover, once their birth had been registered, they could obtain medical insurance.

30. As far as the procedure for birth registration was concerned, physicians from medical missions obtained birth registration forms when they visited clinics in the interior of the country and then sent those forms to the relevant office. However, 56 clinics were accessible only by boat or plane and therefore not visited on a regular basis, which led to delays in birth registration. In an attempt to increase birth registration in the interior of the country, clinics had begun offering parents of infants early childhood development kits upon the presentation of their birth registration forms. In the past two years, 5,000 kits had been distributed, primarily in rural areas.

31. Amendments to the Civil Code had not yet been finalized, and there was still a discrepancy between the age of marriage for boys and girls. If a child's parents did not consent to his or her marriage, the child could write to the President to request authorization for the marriage.

32. Juvenile offenders held in prison were visited by psychologists on a weekly basis, as well as by other staff from the Ministry of Justice, and were able to report any ill-treatment during those visits. The Government was trying to prohibit corporal punishment, and civil society organizations were promoting other forms of discipline, but such punishment was deeply rooted in Surinamese culture and therefore difficult to eradicate.

33. National legislation prohibited child abuse, but in some communities the perpetrators were protected by other members of the community and the victims were afraid to speak up. As a result, the Government was conducting awareness-raising campaigns in schools and distributing booklets that encouraged children to report abuse to their teachers or family members. The Government also encouraged physicians to report cases of child abuse. In addition, when cases of child abuse went to trial, the victims were allowed to testify at special hearings so that they would not be confronted with the perpetrator. Lastly, in some areas of Suriname, extended families often lived together as a result of limited housing, which sometimes led to cases of incest.

34. **Ms. Ayoubi Idrissi** asked whether children were prepped before giving evidence at special hearings, so that they understood what was going to happen and why they had to testify. She also asked whether the judges concerned received training on hearing evidence

from children, particularly children who had been sexually abused. Were physicians who found signs of abuse when examining a child legally bound to report such abuse?

35. **Ms. Ferrier** (Suriname) said that police officers received regular training on how to deal with cases of child abuse and that prosecutors and judges received training on how to speak to children. Although medical students received training on all forms of abuse, physicians were not yet legally obliged to report cases of abuse, as older physicians strongly opposed such initiatives.

36. Not every community had schools because of the low number of children in certain indigenous villages. Children from those villages could still attend school if they travelled to larger communities by boat, but some parents chose to keep their children at home because of the dangers associated with boat transportation. The Ministry of Education was increasing the number of teachers and trying to ensure that children under the age of 4 began learning Dutch. It was also considering providing financial assistance to children who wished to continue their studies at boarding schools in the capital city.

37. **Mr. Soetodirijo** (Suriname) said that the Child Rights Bureau engaged in awareness-raising activities at schools, childcare institutions, civil society organizations and social clubs and was planning further campaigns on the radio and television. The Bureau was also organizing a fair to promote the rights of children on 11 October — the International Day of the Girl Child.

38. **Mr. Rodríguez Reyes** asked whether there was any coordination between the Presidential Committee for Child and Youth Policy, the Child Rights Bureau and other government agencies to ensure that the Government's policies on children were effectively implemented. While welcoming the visits to youth in detention carried out by officials from the relevant ministries, he wished to know how often those visits were conducted and whether it was within the remit of those officials to lodge a complaint if they saw signs that children were being ill-treated.

39. **Ms. Ferrier** (Suriname) said that, following consultations with government agencies and NGOs, the Presidential Committee for Child and Youth Policy had developed a comprehensive policy to address all issues concerning children and adolescents. It was the first time that such an integrated approach had been adopted. By bringing together representatives of various ministries to operate as a network, policy gaps could be easily identified. The Presidential Committee would report to the President on the outcomes of its work. It acted as a steering committee and, unlike the Child Rights Bureau, was not involved in the implementation of specific activities. There were currently about 50 minors in juvenile detention. They were visited once or twice per week by a child psychologist and a social worker.

40. **Ms. Dogojo** (Suriname) said that two additional positions had been created within the Child Rights Bureau and had been filled by policy officials with high-level training in law and policy development. The staff of the Bureau had received training on the provisions of the Convention. There were plans to seek out additional resources for the Bureau outside of the State budget.

41. **Ms. Brown** (Suriname) said that a new board had been established in August 2016 and was preparing a new policy and action plan for the shelter for sexually abused children. The policy and plan would be presented to the Ministry of Social Affairs and Public Housing within one month. Plans had been made to train staff of childcare institutions to care for child victims of sexual abuse. There were also plans to cluster institutions with similar goals, which would allow for improved monitoring and control.

42. **Ms. Dogojo** (Suriname) said that there was more than one shelter in the country that focused on caring for sexually abused children. Her Government's policy was to provide financial assistance to those childcare institutions that applied for it.

43. **Ms. Ayoubi Idrissi** asked how institutions assisting child victims of violence were normally funded, if government funding was provided only upon request.

44. **Ms. Oviedo Fierro** asked what obstacles were hindering efforts to raise the minimum age of marriage.

45. **The Chair** asked how the concept of adolescence was understood in practice in the State party.

46. **Ms. Sandberg** asked what was being done on the ground to prevent the sexual abuse of children.

47. **Ms. Dogojo** (Suriname) said that her Government provided financial assistance to 57 privately owned childcare institutions to help cover their operating costs. The institutions must first submit a request for funding before the funds could be disbursed.

48. **Ms. Ferrier** (Suriname) said that minors between 10 or 11 and 18 years of age were considered to be adolescents. In the light of the unique challenges faced by persons in that age group, her Government had, for the first time, adopted a special policy for them. That policy was coordinated by the Ministry of Sport and Youth Affairs, and community organizations were closely involved in its implementation. The adoption of such a policy was in line with developments in the region, as most Latin American countries already had a policy on adolescents.

49. Part of the reason it was taking so long to adopt a minimum age for marriage was because it was not just the provision on the age of marriage that was being reviewed, but rather the Civil Code as a whole. Not all the different ethnic groups in the country were in agreement about the age at which a person should be treated as an adult, and that made the situation rather complex. The various groups were participating in discussions on the subject, which was a positive development.

50. With regard to the prevention of sexual abuse, children were made aware at a very young age of the importance of being responsible for what happened to their own body. Awareness-raising campaigns about sexual abuse were conducted in schools, and as a result some children did report abuse to their teachers. In the basic education system, there were social workers responsible for handling problems that children experienced in the family environment. The more difficult challenge was that of raising awareness among adults and helping them to understand that any form of child abuse was unacceptable.

51. **Ms. Dogojo** (Suriname) said that the Ministry of Justice and Police had set up a contact bureau as part of a pilot project in a village in the interior of the country. The aim of the project was to encourage members of the community to report violence against children. In response to the success of the project, a contact bureau had also recently been set up in another district, and the results would be analysed with a view to expanding the project nationwide.

52. **Mr. Cardona Llorens** said that, as he understood it, indigenous and Maroon groups in the interior of the country had little concept of adolescence and believed that children as young as 12 years were ready for marriage. He was therefore concerned that, if the views of the various groups on the subject were taken into account, early and childhood marriages would continue to take place and would be legally recognized.

53. **Mr. Guráň**, while welcoming the active participation of children in the youth parliament at the national level, asked whether they also had opportunities to participate at the regional, community and school levels.

54. **Ms. Dogojo** (Suriname) said that the comments about marriage in Maroon communities did not reflect the reality in Suriname. When a Maroon girl reached puberty and began menstruating, she participated in a ritual ceremony, but that ceremony did not signify that she was ready for marriage. A second ceremony was held when the girl was perhaps 16 or 17 years of age, and only then was she allowed to marry. Those ceremonies were carried out in accordance with the law. The draft Civil Code included a provision establishing the legal age of marriage at 18 years, but it had not yet been approved by parliament.

55. Young people between 15 and 22 years of age could be elected to the national youth parliament. At a more local level, there were also youth district boards and youth school boards in which young people were represented and their views were heard.

56. **Ms. Sandberg** asked whether the Government had reflected on how it might raise awareness among parents about alternative forms of discipline that could replace corporal punishment. Experience in other States had shown that, without a law prohibiting corporal punishment, attitudes and behaviour were much slower to change. She therefore asked whether the Government might consider adopting such legislation.

57. **The Chair** asked what progress had been achieved in enforcing the ministerial decision to prohibit corporal punishment in schools and what challenges the Government still faced in that regard.

58. **Ms. Ferrier** (Suriname) said that, although no legislation had been introduced to ban corporal punishment, teachers found to be perpetrators were punished or even dismissed. Nevertheless, it should be noted that some parents specifically requested teachers to use corporal punishment on their children, which reflected deeply entrenched cultural attitudes. Over the previous 20 years, radio and television programmes had been broadcast and information sessions had been organized to raise awareness of positive parenting, including alternatives to corporal punishment. Children who had been caught stealing were often subjected to corporal punishment twice, once by police officers and a second time by their parents. Many parents were of the view that reasonable chastisement was an appropriate response to misbehaviour.

59. **Mr. Rodríguez Reyes** said that, given the low rate of breastfeeding in the State party, he wished to know whether the International Code of Marketing of Breast-Milk Substitutes had been incorporated into domestic legislation; whether relevant World Health Assembly resolutions had been implemented; and whether breast-milk substitute companies were systematically monitored. He asked whether breastfeeding was promoted through public policy; whether national programmes had been implemented to increase the rate of breastfeeding; and what kind of support was available to mothers who wished to breastfeed. For example, did they have access to breastfeeding counsellors, both in hospitals and at the community level, and other sources of information and assistance? In addition, he wished to know what proportion of hospitals had been certified as baby-friendly under the baby-friendly hospital initiative and would be grateful for information on the provisions for maternity leave.

60. With regard to mental health, he asked whether any measures had been taken to lower the high suicide rate among adolescents and improve their access to psychiatric support and whether schoolteachers were trained to identify the signs of depression. He wished to know what measures had been taken to reduce the large number of adolescent pregnancies, which was linked to the high prevalence of child marriage, in particular in rural areas; whether programmes on sexual and reproductive health had been incorporated into school curricula; whether those programmes included information on the prevention of sexually transmitted infections and adolescent pregnancies; and whether such programmes were conducted in rural areas. He also wished to know whether policies had been

implemented to ensure that adolescents could access contraception without their parents' consent. Lastly, had policies been implemented or planned to provide free health care for pregnant adolescents?

61. **The Chair** asked what measures had been taken to support families, in particular parents from rural areas, with a view to reducing the demand for alternative care and what financial and human resources had been provided to implement the draft framework bill on care institutions. More information would be welcome on the efforts made to improve the safety, hygiene and staff training of day-care centres. In terms of gatekeeping, he wished to know what measures had been adopted to ensure that every child was placed in the most appropriate of the three alternative care settings available. He also wished to know whether children with disabilities were cared for separately from other children. In the light of reports of violence against children in alternative care settings, he asked whether measures had been taken to ensure that staff members underwent a background check and that complaint mechanisms and procedures had been put in place. How were alternative care settings monitored and which body was responsible for conducting monitoring visits?

62. He would be grateful for confirmation that the age range for compulsory education, which was currently 7 to 12 years, would be changed. Furthermore, he asked what efforts had been made to address geographical disparities in educational enrolment, improve the quality of teaching and teacher retention rates, in particular in the interior of the country and at the secondary level. The Committee would appreciate an explanation of the extremely high rate of repetition and information on what measures had been taken to lower it. He enquired whether fees would be introduced for primary education and what measures had been taken to increase preschool attendance.

63. He wished to know whether there were any plans to introduce a comprehensive law on refugees. Additionally, he would be grateful for more information on the resources and training that had been allocated to combat trafficking in persons, any measures taken to prevent that crime, protect victims and prosecute perpetrators, above all in rural areas, and the work of the inter-agency anti-trafficking working group.

64. With regard to child labour, he would appreciate further information on the work of the multidisciplinary committee to address child labour, the measures taken by the Ministry of Labour to combat the problem and the use of child labour in illegal mines. Furthermore, he asked what measures had been put in place to address child sexual exploitation. Lastly, he would be grateful for more details on the minimum age of criminal responsibility, alternatives to sentencing and the disciplinary measures that could be applied to children deprived of their liberty.

65. **Mr. Cardona Llorens** asked whether the State party had ratified the Convention on the Rights of Persons with Disabilities and whether any measures had been taken to encourage prospective foster parents to accept children with disabilities. He wished to know what policies had been implemented to make education truly inclusive for children with disabilities and what measures had been taken to reduce the reportedly high prevalence of violence against such children.

66. He asked what policies had been implemented to combat substance abuse and the high suicide rate among adolescents. He also asked whether efforts were being made to reduce the availability of pesticides, which served as a common method of suicide. In that connection, he wondered whether a university, which had recently conducted a study on the causes of suicide, cooperated with the Government to address the issue.

67. It was possible that the high rate of repetition was due to the lack of proficiency of students and some teachers in Dutch and that it could therefore be reduced by promoting the use of other languages of instruction.

68. **Ms. Muhamad Shariff** asked how many children lived in prison with a parent, whether the best interests of children were taken into account in the sentencing of convicted parents and what arrangements were made to ensure that the children of incarcerated parents, including children living in prison with a parent, did not suffer discrimination.

69. **Mr. Gastaud** said that he would be grateful for confirmation that a bill had been prepared to give official recognition to national languages other than Dutch. With regard to education, he asked what measures had been taken to improve the provision of teacher training, since it was possible that deficiencies in that area were the cause of the high dropout rates and rates of school failure. Lastly, he asked whether street children represented a problem in Suriname.

70. **Ms. Aho Assouma** asked whether the State party planned to take robust measures to combat alcohol and drug abuse among children, in terms of both prevention and treatment. She also asked why the rate of adolescent pregnancy was so high among schoolgirls and unmarried girls, since contraceptives were available through the Global Fund. In terms of nutrition, she wished to know what was being done to reduce the rates of malnutrition and obesity among children aged under 5 years. With regard to pregnancy, she wondered whether consideration had been given to the possibility of making an exception to the ban on abortion in the case of rape. On the subject of adolescent pregnancy in particular, she enquired as to whether the national sexual and reproductive policy formulated in 2005 had been adopted and how it was implemented, in particular in schools. Lastly, she wished to know what was being done to ensure that children received sexual and reproductive health education lessons at school.

71. **Ms. Oviedo Fierro** asked whether the most recent HIV/AIDS plan, which had covered the period 2007-2013, had been replaced or renewed and what efforts had been made to adjust the strategy adopted. What was being done to combat the prevalence of HIV/AIDS?

72. With regard to poverty, she wished to know whether the conditional cash transfer system was operational and, if so, what its results had been, what conditions had been established in terms of children's education and health and what level of coverage had been achieved. Lastly, she would be grateful for more information on any measures taken to address the disparity in access to water sources and improved sanitation facilities between rural coastal areas and rural interior areas and on the improved water sources mentioned in the State party's report.

73. **The Chair** said that he would be grateful for an update on the proposal to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which had been considered as part of the revision of the Civil Code. He would also be grateful if the delegation could comment on the claims made by some school representatives that, if the Government paid its annual contributions on time, it would not be necessary to charge fees for school materials and uniforms. If those claims were accurate, what action would be taken to ensure that annual contributions were paid on time?

74. **Ms. Aho Assouma** said that she would welcome more information on the availability of services for the prevention of mother-to-child transmission and antiretroviral drugs.

The meeting rose at 6 p.m.

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Seventy-third session

Summary record (partial)* of the 2147th meeting
Held at the Palais Wilson, Geneva, on Thursday, 22 September 2016, at 10 a.m.

Chair: Mr. Mezmur

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Combined third and fourth periodic reports of Suriname (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Suriname (continued)
(CRC/C/SUR/3-4 and CRC/C/SUR/Q/3-4)

1. *At the invitation of the Chair, the delegation of Suriname took places at the Committee table.*

2. **Ms. Dogojo** (Suriname) said that birth registration was carried out in civil registration field offices across all districts in Suriname. Unfortunately, not all persons living in rural and remote areas were able to access such services due to geographical difficulties.

3. In an effort to address the issue of statelessness, an amendment to existing legislation on nationality and residency had been adopted in 2014, ensuring that every child born in Suriname would be granted nationality unless the parents' nationality was different from that of the child. Every child was entitled to a birth certificate irrespective of the nationality of his or her parents.

4. The Government had set up projects aimed at promoting the social contribution of young people in local communities, which would lead to improved youth participation. Community work focused on areas such as character building, organization skills, creativity and mental health. Disadvantaged neighbourhoods were targeted in particular. Community-based organizations led creative and cultural activities for children and supervised sports and games. Young people were also encouraged to work over the summer and to attend youth camps.

5. A national electoral commission had been established for the purpose of national youth parliamentary elections. Candidates were able to campaign individually or in groups. A number of government ministries were involved in supporting the youth elections and a draft law had been prepared on the establishment of a national youth institute, which would ensure that young people were able to campaign freely.

6. With regard to teenage pregnancy, a programme had been launched for teenage mothers, which offered them support and guidance in finishing their school education and trained them in basic life skills.

7. Legislation on care institutions covered a number of different types of establishment, such as those for early child development, those for persons with disabilities, institutions for children in need, and institutions for the elderly. A Bureau for Care Institutions had been set up in 2015 to monitor compliance with legislation. The Bureau worked together with qualified supervisory and advisory boards to that end. All care institutions were required to be registered on the national registration record and data system of the Ministry of Social Affairs. Operating without a registration could result in the imposition of a fine. Inspections of care institutions would soon be conducted by a special monitoring service in accordance with provisions in the law. Standards ensuring quality of care in institutions had already been signed by the Council of Ministers and were currently being considered by the State Council. A protocol for care institutions had also been drafted which was awaiting consideration by relevant stakeholders before being submitted to the Council of Ministers.

8. The implementation of legislation on care institutions was funded by the Government in cooperation with both national and international organizations. The operating costs for care institutions were subsidized by the Ministry of Social Affairs and such establishments also received guidance on methods of self-reliance, such as agricultural training. Awareness raising of existing legislation on care institutions was currently being

planned. For example, the Government intended to translate the law on care institutions, which was currently only available in Dutch, into local languages and into English.

9. Every care institution was required to provide the Ministry of Social Affairs with information on its staff in order to ensure quality of service. Certificates of good behaviour were issued to staff and records of such certificates were also noted on the Ministry's database. If a care institution had been found lacking in its service, it could be issued with a fine. Depending on the severity of the misdemeanour, clients could be removed from the institution or the institution could be closed. The Emergency Act for Child Care in Crisis had been incorporated into the wider framework of the Act on Care Institutions.

10. Legislation on maternity leave had been revised to allow women more flexibility in planning their leave. Previously, women were entitled to six weeks of leave prior to and after the birth of their child. Following the revision in the law, women were still entitled to 12 weeks' leave but could choose to work up to two weeks before the due date of delivery.

11. The draft revision of the Civil Code was currently being considered by the Office of the President. Once revised, it would be sent to Parliament for discussion. Progress on the draft law on the Child Ombudsman had been postponed as a result of plans to establish a national human rights institute, which could encompass a child ombudsman department.

12. In an effort to address the issue of trafficking, law enforcement officials were receiving basic training on how to approach and deal with cases of child trafficking, and how to engage with child victims.

13. **Mr. Cardona Llorens** said that he would appreciate more information on how the Government ensured the sustainability of its funding for care institutions, particularly during times of financial crisis. He was concerned by the State party's decision to institutionalize children with disabilities. Such children should remain in the family home where possible in order to avoid further stigmatization. He wondered whether the Government could amend its strategy by promoting community-based care rather than the institutionalization of children with disabilities.

14. **Ms. Ayoubi Idrissi** said that she would like to know whether there had been any cases of a care institution being closed for non-compliance with the law. She would also appreciate figures on the complaints registered by children in care institutions and the response to such complaints, and clarification as to whether the decision to place a child in care could be overturned.

15. **Mr. Rodríguez Reyes** (Country Rapporteur) said that more information on the challenges pertaining to birth registration would be welcome. He also wondered whether young people who did not have the financial means to pay for an electoral campaign were entitled to financial support if they wanted to run as candidates in the youth parliamentary election.

16. **Ms. Aho Assouma** said that she would be interested to know what measures the Government had taken to encourage parents to register the birth of their child. She asked whether there was a birth registration deadline, what would happen to parents who did not manage to register their child's birth before the deadline, what preventive mechanisms were in place regarding early pregnancy, how young persons were able to access the contraception provided by the Global Fund, whether nutrition programmes were being implemented to address the issue of children who were underweight and those who were obese, what measures had been taken to prevent substance abuse among young people, and how the Government was preventing mother-to-child transmission of HIV, particularly for those living in remote areas.

17. **Ms. Dogojo** (Suriname) said that there was currently no law on maternity leave. Women in the public sector were entitled to 12 weeks' leave but there was no legislation in

place for women working in the private sector. Suriname had signed the International Code of Marketing of Breast-Milk Substitutes and the sale of breast-milk substitutes in health clinics had subsequently been prohibited. National breastfeeding week was celebrated annually and NGOs were active in promoting breastfeeding and distributing pumps to new mothers. The Ministry of Health was in the process of developing a protocol on breastfeeding and certifying a number of hospitals as baby-friendly.

18. A committee had been formed to develop a national plan of action for suicide prevention, which included adolescents among its target groups. Children under the age of 16 could consult mental health specialists, although only in two districts. The country lacked residential establishments for children with mental and psychiatric problems. Teachers were trained in mental health, and there were plans to train media and social workers. Thanks to funding from the United Nations Population Fund, two workers from the Ministry of Education and Community Development were completing a master's degree in family health, and the Ministry of Youth and Sports was implementing a family health programme.

19. Although a sexual and reproductive health programme for young people existed, it was not part of the school curriculum. However, restrictions on their access to contraception and information about sex had been lifted. The youth advocacy movement and youth parliament were raising awareness of teenage pregnancies, sexually-transmitted infections and HIV. Young girls who were pregnant could access health insurance. All pregnant women were tested for HIV, and if the test was positive they received treatment to prevent mother-to-child transmission, as well as free baby formula for two years. A national strategic plan had been initiated to address HIV.

20. School repetition rates were high, particularly among children between 4 and 8 because of their lack of skills and the fact that classes were given in Dutch, which for many children was not a native language. The Ministry of Education and Community Development, with the assistance of the United Nations Children's Fund (UNICEF), was establishing a unit to address the problem.

21. **Ms. Aho Assouma** asked how women who could not breastfeed accessed formula if it could not be purchased in clinics. How were HIV programmes delivered in rural areas?

22. **Mr. Rodríguez Reyes**, noting that women in the public sector were entitled to four months' maternity leave, asked how they were enabled to breastfeed their children for the first six months of life and what steps would be taken to grant the same maternity leave to women in the private sector.

23. **Ms. Dogojo** (Suriname) said that a law on maternity leave for women in the private sector was being drafted.

24. **Ms. Aldoseri** asked whether the bills relating to language had been passed and whether they would address the high repetition rates in early education.

25. **Ms. Ferrier** (Suriname) said that legislation was being drafted that would make education compulsory for children aged between 4 and 16, allowing them to start school during the early stages of brain development and thus acquire a second language more easily. Given that more than 20 languages were spoken in Suriname, providing education in each child's mother tongue was impossible. Other efforts to reduce repetition rates included improving children's skills and screening their development so that they began school only when ready. Although the push to promote breastfeeding had led to the prohibition of the sale of formula in clinics, doctors could prescribe it for women who were unable to breastfeed.

26. **Ms. Dogojo** (Suriname) said that although children with disabilities should be cared for by their families, that was not always possible, and shelters were therefore required.

Those institutions had not been required, however, to immediately comply with the newly introduced standards, but they received assistance in doing so.

27. The worst forms of child labour were punishable under the law, and the Ministry of Justice and Police was responsible for taking the relevant action. The legislation enacted in that regard included a decree on hazardous work undertaken by young people, the inclusion of some of the worst forms of child labour in the revised list of moral offences in the Penal Code and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Ministry of Social Affairs and Housing was preparing to open shelters for child victims of trafficking. The labour inspectorate had not detected any cases of children engaged in hazardous work, and child labour was addressed in its work on health and safety in the mining industry, which it carried out in cooperation with the International Labour Organization. Prosecutions were brought against those who forced children to work, whether in the formal or informal sector.

28. Parliament had approved the ratification of the Convention on the Rights of Persons with Disabilities, and reservations were being formulated. A survey on children with disabilities was being planned with the assistance of UNICEF. The Ministry of Agriculture had produced a list of pesticides that should be prohibited. Children whose mothers were in prison were raised by their wider families or placed in foster care.

29. Measures to tackle poverty included a conditional cash transfer programme that focused on several areas, including children. The Government also provided basic health care for persons aged between 17 and 59 who were unable to pay for it; other age groups received free care regardless of income. Persons with disabilities and poor households received financial support and food supplies, and counselling was available for families, the elderly, children and young people.

30. Parents were required to contribute an annual fee of 35 Suriname dollars towards their children's education. Those who could not afford the fee were assisted by the Ministry of Social Affairs and Housing. While religious schools were responsible for providing educational materials and maintaining school buildings, the Ministry of Education and Community Development paid all staff salaries.

31. **Ms. Ayoubi Idrissi** asked how many labour inspectors there were and whether there were plans to allow young children to live with their mothers in prison so that they could be breastfed.

32. **Ms. Aho Assouma** asked what steps the State party had taken to prevent drug use and to treat and rehabilitate users.

33. **The Chair** (Country Rapporteur) asked whether the Surinamese authorities really believed that all the country's families could afford to send their children to school. Were there no families who were too well off to benefit from government subsidies but not well off enough to pay for the necessary materials for their children's education?

34. **Ms. Dogojo** (Suriname) said that the Ministry of Social Affairs and Housing paid school material fees for households that were unable to afford them. Schools would be starting in the coming weeks. Plans had been made to ensure that no child would be denied access to education as a result of the recent decision to ask families to contribute to the cost of the school materials used by their children.

35. **Ms. Ferrier** (Suriname) said that conditions in the prisons where women were held were so bad that the young children of inmates were better off remaining with extended family or in foster care than staying in prison to be breastfed by their mothers.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

36. **Ms. Dogojo** (Suriname) said that elections to the National Youth Parliament were held every three years and that the Ministry of Youth and Sports made funds available to the children participating in those elections. The Surinamese authorities had entered into an agreement with the International Monetary Fund on a stabilization programme, in part to ensure that efforts to enforce important laws were not abandoned for want of funds.

37. Of the 80 employees of the Labour Inspectorate, 50 were inspectors. They were trained to take a particular approach to dealing with child labour. The number of inspectors might seem small, but Suriname, with a population of little more than half a million people, was a small country. In addition, Suriname was receiving technical assistance from the International Labour Organization for the production of a comprehensive study of the extent and characteristics of child labour in the country.

38. **Ms. Brown** (Suriname) said that the ratio of staff members to children in care institutions varied according to the ages of the children. The country's standards required one staff member for every four infants aged 6 weeks to 12 months and one staff member for every six children between the ages of 2 and 4. The ratios of staff members to children were lower for children in older age groups. There was no standard ratio of staff members to children with disabilities.

39. Protocols on the institutionalization of children were currently being developed. The people employed by residential institutions were required to produce certificates of good conduct, and the institutions themselves were required to produce overviews of the professional development activities engaged in by their employees. An outside board monitored compliance with those and other requirements. Under the law, institutions whose staff members abused the children in their care could be issued warnings or fines or even shut down altogether. The Minister of Social Affairs and Housing made the decision as to which penalty to impose.

40. **Ms. Sandberg** said that she wished to know whether the members of the board overseeing the operations of care institutions for children visited those institutions personally and, if so, whether their visits were unannounced. Did they talk to the children in such institutions?

41. **Ms. Dogojo** (Suriname) said that unannounced inspections did take place. Children in the care of the institutions under inspection were interviewed by a person with specialist psychological knowledge. In connection with birth registration, she said that she would welcome a clarification of the question asked by Ms. Aho Assouma, who had referred to some 3,000 persons without birth certificates.

42. **Ms. Aho Assouma** asked what steps the State party intended to take to provide birth certificates to the 3,000 people in the country whose births, according to reports received by the Committee, had never been registered.

43. **Ms. Ferrier** (Suriname) said that people who were not registered did not officially exist. The accuracy of the claim that there were 3,000 such persons was therefore hard to assess. In any event, Amerindians in the interior of the country still had a nomadic culture, crossing international borders with considerable frequency. A project to study ways of improving registration rates in the rural interior was to be completed by the end of 2016.

44. Children born in hospital settings were registered immediately. Persons in rural areas had 16 days to register the births of their children, and in more remote interior areas the time limit was 4 months. A person whose birth had never been registered could obtain a birth certificate by writing a letter explaining his or her situation to the Prosecutor-General.

45. Hard drugs such as cocaine and heroin were prohibited, and the police would arrest those who used them. Ecstasy, however, had not been prohibited, and it was abused by children attending parties or festivals in local communities throughout the country. The sale

of alcohol to minors, although illegal, was an even greater concern. The Government had responded by building more recreational and sports facilities so that children had more opportunities for activities other than using drugs or drinking.

46. Efforts had been made to combat child obesity and ensure that teachers in the interior of the country were properly qualified. One problem in the latter connection was that school curricula drew heavily on Dutch models, most of which were ill-suited to children attending schools located in the farthest reaches of Suriname.

47. The police had been given training in dealing with child victims and witnesses, who were entitled to avoid face-to-face confrontations with the alleged perpetrators of the crimes about which statements were being taken. Specialists, including psychologists and social workers, worked with children involved in court cases to help them understand what they were going through.

48. **Ms. Dogojo** (Suriname) said that it was illegal to sell cigarettes and alcohol to minors under the age of 18 years. The Government had invested in sports facilities as part of efforts to prevent the rise of obesity.

49. **The Chair** said that information would be welcome on the minimum age of criminal responsibility. He asked what measures had been taken to assist girls previously living at the "Mi Abri" residential institution for girls and to improve the condition of the premises of the "Koela" institution for boys. He asked whether a national mental health plan had been adopted and, if so, whether information could be provided on its contents. How did the State party safeguard the rights and standard of living of children of indigenous or Maroon communities in areas affected by logging or mining activity and protect them from forcible displacement?

50. **Ms. Dogojo** (Suriname) said that the "Mi Abri" and "Koela" institutions had been designed for young children facing difficulties at home but were currently occupied by homeless families. The Government opposed the idea of eviction in that regard. A body entitled "New Horizons" had been set up to develop new facilities, such as shelters, for vulnerable groups.

51. **Ms. Ferrier** (Suriname) said that the age of criminal responsibility was currently 12 years. Social workers were assigned to look into the causes of the antisocial behaviour of offenders under the age of 12 years. A national mental health plan had recently been adopted following consultations with experts in that field and relevant data were currently being collected in isolated areas of the country. Efforts were being made to destigmatize mental health issues and highlight the assistance available.

52. Indigenous communities were governed by traditional authority figures, who could give permission for activities such as gold-mining to be carried out on community land. The Government had to balance respect for the traditional authorities and indigenous territorial rights with the rights of children and the needs of the country as a whole.

53. **Ms. Sandberg** said that it was essential to ensure that the traditional authorities did not place children in situations where they were exposed to dangerous substances used in the extractive industries and to related environmental risks.

54. **The Chair** said that information would be welcome on the alleged use of solitary confinement in the case of children held at Opa Doeli juvenile pre-sentence detention facility and Santo Boma prison and on the enforcement of the provisions of the Convention in those facilities.

55. **Ms. Ferrier** (Suriname) said that the Opa Doeli juvenile pre-sentence detention facility offered an example of best practice in Suriname. Child detainees at the facility had access to education and leisure activities and were separated according to sex. Older

children were sent to Santo Boma prison, where they were housed two to a cell and had access to cooking facilities and education, in some cases at schools outside the prison. Under the new Penal Code, a number of non-custodial alternatives to detention were available to the authorities in the case of juvenile offenders.

56. **Ms. Aho Assouma** asked how long it took for birth certificates to be issued to persons who had written to the Prosecutor-General regarding late birth registration. She asked whether that process was complicated and whether it represented an obstacle to birth registration. How did members of the public living in isolated areas and in poverty manage to collect birth certificates?

57. **The Chair** asked whether the State party had any definite plans to become party to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

58. **Ms. Ferrier** (Suriname) said that the Medical Mission and the Ministry of Regional Affairs offered assistance to persons wishing to contact the Prosecutor-General with regard to birth certificates. The officials working under the Prosecutor-General were in close contact with the population registration service and could consequently process requests for birth certificates within a short period of time.

59. **Ms. Dogojo** (Suriname) said that the Government was currently discussing the possibility of Suriname becoming party to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and, in fact, currently implemented a large number of the instrument's provisions. However, full intercountry adoption did not take place in the State party. Suitable adoptive parents were granted supervisory guardianship of the child or children in question and were provided with the necessary documentation in Suriname. They then returned to their country of origin, where the intercountry adoption process was finalized.

60. **Mr. Rodríguez Reyes** (Country Rapporteur) said that the dialogue with the delegation of Suriname had been extremely fruitful. The Committee had noted the progress made by the State party with regard to legislative issues, health and the need to meet the emotional and psychological requirements of children. However, inequalities remained relating to coastal regions and the interior of the country. An independent national human rights institute should be set up as a matter of urgency. The Government might wish to consider strengthening access to basic public services in rural areas and increasing the presence of the State in isolated regions, in order to tackle such problems as the sexual and labour exploitation of children and drug and alcohol abuse among minors.

61. **Ms. Dogojo** (Suriname) said that the Government was committed to maximizing the impact of its child policies. A nationwide mechanism was currently being put in place to enable members of the public to report instances of child abuse. It was illegal to engage in sexual relations with a minor in the State party. The various Government ministries had set aside funds for activities targeting communities in isolated areas.

62. **The Chair** said that the State party reported to the Committee on a regular basis and might wish to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. He expressed the hope that the Government would take into consideration the Committee's concluding observations once they had been adopted.

The discussion covered in the summary record ended at 12.25 p.m.